

**THE  
LEWISBURG  
MUNICIPAL  
CODE**

Prepared by the

**MUNICIPAL TECHNICAL ADVISORY SERVICE  
INSTITUTE FOR PUBLIC SERVICE  
THE UNIVERSITY OF TENNESSEE**

in cooperation with the

**TENNESSEE MUNICIPAL LEAGUE**

November 1999

*Change 15*  
*June 28, 2023*

**CITY OF LEWISBURG, TENNESSEE**

**MAYOR**

Jim Bingham

**COUNCILMEMBERS**

Joseph Bradford  
Tommy G. Burns  
Peggy Harwell  
Vickie Michael  
Patty Parsons

**CITY MANAGER**

Roy A. Haislip

**CITY RECORDER**

Gina Jones

**CITY ATTORNEY**

Thomas M. Hutto

**CITY JUDGE**

Barbara Medley

## **PREFACE**

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

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

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

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

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

- (1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 8 of the adopting ordinance).
- (2) That one copy of every ordinance adopted by the city is kept in a separate ordinance book and forwarded to MTAS annually.

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

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

The able assistance of Linda Dean, the MTAS Sr. Word Processing Specialist who did all the typing on this project, and Sandy Selvage, Administrative Services Assistant, is gratefully acknowledged.

Steve Lobertini  
Codification Specialist

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

**ARTICLE IV**

**ORDINANCES**

Section 1. Form. Be it further enacted, That all ordinances adopted by the City Council shall begin: "BE IT ORDAINED BY THE CITY OF LEWISBURG".

Section 2. Passage. Be it further enacted, That all proposed ordinances shall be read in open session before the City Council at three (3) different meetings on separate days and shall be enacted and passed by a majority vote of a quorum of the City Council and any ordinance not so read shall be null and void. At the discretion of the Mayor without objection of the majority of the Councilmen present, a proposed ordinance may be presented for consideration on first, second and third reading by only reading the caption of the proposed ordinance. [As replaced by Priv. Acts 1984, ch. 185, § 6; and Priv. Acts 2010, ch. 62, § 1]

Section 3.<sup>1</sup> Become Effectual, When. Be it further enacted, That no ordinance shall take effect until the lapse of fifteen (15) days after its passage on third and final reading, except that the same be enacted as an emergency ordinance and expressly contain the Statement that an emergency exists, specifically containing recitals of the circumstances and reasons for the existence of an emergency.

Section 4. Amendments. Be it further enacted, That all amendments to existing ordinances shall be in the form of a new ordinance, and adoption of such amendment shall be had in the same manner as a new ordinance.

Section 5. Publication. Be it further enacted, That the Council may by resolution direct that any ordinance pending before the Council, or under consideration by it, be published in some newspaper circulated within the City, before taking final action thereon, and may in like manner direct the publication of any ordinance after its passage on third and final reading, but no such publication shall be mandatory and any and all ordinances duly and regularly

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<sup>1</sup>Private Acts 1996, ch. 156, § 8 amended Article IV, § 3 by deleting it in its entirety and replacing the language with that of "Service of process" which is Article V, § 3 and therefore the compiler has replaced Article V, § 3 leaving Article IV, § 3 intact.

passed and adopted by the Council as herein provided shall be effective without publication.

Section 6. Journal Record. Be it further enacted, That after the passage on third and final reading, all ordinances shall be designated by number, recorded in an Ordinance Book, filed and preserved in the Municipal Building and shall at all times be open for inspection by the public. In all cases under the preceding Sections, the vote of each member of the Council shall be determined by ayes and nays, and the names of each member voting for or against an ordinance shall be entered of record on the Journal of the meeting.

Section 7. Code of Ordinances. Be it further enacted, That the City Council is hereby expressly empowered to enact a Code of Ordinances, in which may be embraced ordinances of administration, legislative or penal nature, including any and all ordinances necessary or proper to fully exercise the powers and duties, conferred or imposed by the provisions of this Charter, but the enactment of such Code shall not be mandatory. However, in the case of the enactment or adoption of such Code and if through oversight, mistake, topographical or printing error or inadvertence the taxing power and authority of the City is restricted or limited then the powers granted in this Charter and under the general law and under valid ordinance shall prevail over the provisions of the Code.

## **TABLE OF CONTENTS**

### **PAGE**

### **INTRODUCTION**

OFFICIALS OF THE CITY AT TIME OF CODIFICATION.....	ii
PREFACE .....	ii
ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE CITY CHARTER.....	v

### **CHARTER**

CHARTER TABLE OF CONTENTS.....	C-1
TEXT OF CHARTER.....	C-9

### **CODE OF ORDINANCES**

CODE-ADOPTING ORDINANCE.....	ORD-1
TITLE 1. GENERAL ADMINISTRATION.....	1-1
CHAPTER	
1. CITY COUNCIL .....	1-1
2. MAYOR .....	1-4
3. CITY MANAGER .....	1-5
4. CITY JUDGE.....	1-6
5. CITY ATTORNEY.....	1-7
6. TREASURER.....	1-8
7. RECORDER.....	1-9
8. CODE OF ETHICS .....	1-10
TITLE 2. BOARDS AND COMMISSIONS, ETC. ....	2-1
CHAPTER	
1. COMMUNITY DEVELOPMENT BOARD.....	2-1
2. ELECTRIC POWER BOARD .....	2-3
3. NATURAL GAS BOARD.....	2-4
4. WATER AND SEWER BOARD .....	2-5
5. MISCELLANEOUS BOARDS .....	2-7

	<u>PAGE</u>
<b>TITLE 3. MUNICIPAL COURT.....</b>	<b>3-1</b>
<b>CHAPTER</b>	
1. CITY COURT OPERATION.....	3-1
2. WARRANTS, SUMMONSES AND SUBPOENAS .....	3-3
3. BONDS AND APPEALS.....	3-4
<b>TITLE 4. MUNICIPAL PERSONNEL .....</b>	<b>4-1</b>
<b>CHAPTER</b>	
1. SOCIAL SECURITY--CITY PERSONNEL .....	4-1
2. VACATIONS AND SICK LEAVE.....	4-3
3. PERSONNEL REGULATIONS .....	4-4
4. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.....	4-7
<b>TITLE 5. MUNICIPAL FINANCE AND TAXATION .....</b>	<b>5-1</b>
<b>CHAPTER</b>	
1. REAL PROPERTY TAXES.....	5-1
2. PRIVILEGE TAXES .....	5-3
3. WHOLESALE BEER TAX .....	5-4
4. PURCHASING REGULATIONS .....	5-5
5. LITIGATION TAX.....	5-6
6. BUDGET .....	5-7
<b>TITLE 6. LAW ENFORCEMENT .....</b>	<b>6-1</b>
<b>CHAPTER</b>	
1. POLICE AND ARREST .....	6-1
2. WORKHOUSE.....	6-3
<b>TITLE 7. FIRE PROTECTION AND FIREWORKS.....</b>	<b>7-1</b>
<b>CHAPTER</b>	
1. FIRE DISTRICT AND LANES.....	7-1
2. FIRE CODE.....	7-2
3. FIRE DEPARTMENT.....	7-4
4. FIRE SERVICE OUTSIDE CITY LIMITS.....	7-6
5. FIREWORKS.....	7-7
6. FIRE ALARM REGULATIONS .....	7-9



	<u>PAGE</u>
<b>TITLE 8. ALCOHOLIC BEVERAGES .....</b>	<b>8-1</b>
<b>CHAPTER</b>	
1. INTOXICATING LIQUORS .....	8-1
2. BEER .....	8-5
3. PRIVILEGE TAX AND ALCOHOLIC BEVERAGES ...	8-11
4. USE AND SALE OF ALCOHOLIC BEVERAGES IN PARKS .....	8-20
<b>TITLE 9. BUSINESS, PEDDLERS, SOLICITORS, ETC. ....</b>	<b>9-1</b>
<b>CHAPTER</b>	
1. TRANSIENT DEALERS .....	9-1
2. CHARITABLE SOLICITORS .....	9-6
3. ROADBLOCKS, ETC. ON STREETS .....	9-7
4. TAXICABS .....	9-9
5. GAME ROOMS .....	9-12
6. TRAVELING SHOWS AND SIMILAR ENTERTAINMENT .....	9-16
7. SELF SERVICE CAR WASHES .....	9-18
8. CABLE TELEVISION SYSTEM .....	9-19
9. YARD SALES .....	9-20
<b>TITLE 10. ANIMAL CONTROL .....</b>	<b>10-1</b>
<b>CHAPTER</b>	
1. DOGS .....	10-1
<b>TITLE 11. MUNICIPAL OFFENSES .....</b>	<b>11-1</b>
<b>CHAPTER</b>	
1. ALCOHOL .....	11-1
2. OFFENSES AGAINST THE PEACE AND QUIET .....	11-3
3. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL .....	11-4
4. FIREARMS, WEAPONS AND MISSILES .....	11-5
5. TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC .....	11-6
6. MISCELLANEOUS .....	11-7
7. EXCESSIVE NOISE .....	11-9

	<u>PAGE</u>
<b>TITLE 12. BUILDING, UTILITY, ETC. CODES. . . . .</b>	<b>12-1</b>
<b>CHAPTER</b>	
1. BUILDING CODE. . . . .	12-1
2. PLUMBING CODE. . . . .	12-3
3. DELETED	
4. FUEL GAS CODE. . . . .	12-6
5. RESIDENTIAL CODE . . . . .	12-9
6. MECHANICAL CODE. . . . .	12-11
7. ENERGY CONSERVATION CODE. . . . .	12-12
8. EXISTING BUILDING CODE . . . . .	12-13
<b>TITLE 13. PROPERTY MAINTENANCE REGULATIONS . . . . .</b>	<b>13-1</b>
<b>CHAPTER</b>	
1. PURPOSE AND INTENT. . . . .	13-1
2. GENERAL PROPERTY MAINTENANCE STANDARDS. . . . .	13-3
3. CHARACTERISTIC PROPERTY MAINTENANCE STANDARDS. . . . .	13-13
4. DEFINITIONS . . . . .	13-21
5. DELETED	
<b>TITLE 14. ZONING AND LAND USE CONTROL . . . . .</b>	<b>14-1</b>
<b>CHAPTER</b>	
1. MUNICIPAL PLANNING COMMISSION . . . . .	14-1
2. ZONING ORDINANCE. . . . .	14-3
3. FLOOD DAMAGE PREVENTION ORDINANCE. . . . .	14-4
4. DESIGN STANDARDS FOR THE DOWNTOWN AREA OF LEWISBURG . . . . .	14-26
5. SIGN ORDINANCE . . . . .	14-29
<b>TITLE 15. MOTOR VEHICLES, TRAFFIC AND PARKING . . . . .</b>	<b>15-1</b>
<b>CHAPTER</b>	
1. MISCELLANEOUS. . . . .	15-1
2. EMERGENCY VEHICLES. . . . .	15-9
3. SPEED LIMITS. . . . .	15-11
4. TURNING MOVEMENTS . . . . .	15-12
5. STOPPING AND YIELDING . . . . .	15-14
6. PARKING . . . . .	15-18
7. ENFORCEMENT . . . . .	15-21

	<u>PAGE</u>
<b>TITLE 16. STREETS AND SIDEWALKS, ETC. ....</b>	16-1
<b>CHAPTER</b>	
1. EXCAVATIONS AND CUTS .....	16-1
2. HOUSE NUMBERING AND STREET NAMING SYSTEM .....	16-5
3. OBSTRUCTING, INTERFERING WITH AND ABUSING STREETS AND OTHER PUBLIC WAYS AND PLACES .....	16-10
<b>TITLE 17. REFUSE AND TRASH DISPOSAL .....</b>	17-1
<b>CHAPTER</b>	
1. REFUSE .....	17-1
<b>TITLE 18. WATER AND SEWERS .....</b>	18-1
<b>CHAPTER</b>	
1. SEWER USE .....	18-1
2. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC .....	18-58
3. STORMWATER ORDINANCE .....	18-64
<b>TITLE 19. ELECTRICITY AND GAS .....</b>	19-1
RESERVED FOR FUTURE USE	
<b>TITLE 20. MISCELLANEOUS. ....</b>	20-1
<b>CHAPTER</b>	
1. MISCELLANEOUS. ....	20-1
2. POLICIES AND RULES PERTAINING TO CITY OWNED CEMETERIES .....	20-2
3. BURGLARY/ROBBERY ALARM REGULATIONS. ....	20-3
4. TREE CITY U.S.A. COMMUNITY .....	20-7
5. PUBLIC RECORDS ACCESS AND DUPLICATION ...	20-8
6. CONSTRUCTION OF FENCES .....	20-11
7. RESIDENTIAL LANDLORD REGISTRATION .....	20-13
<b>CERTIFICATE OF AUTHENTICITY. ....</b>	CERT-1

## **TITLE 1**

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

#### **CHAPTER**

1. CITY COUNCIL.
2. MAYOR.
3. CITY MANAGER.
4. CITY JUDGE.
5. CITY ATTORNEY.
6. TREASURER.
7. RECORDER.
8. CODE OF ETHICS.

#### **CHAPTER 1**

### **CITY COUNCIL<sup>2</sup>**

#### **SECTION**

- 1-101. Councilmanic wards.
- 1-102. Time and place of regular meetings.
- 1-103. Order of business.
- 1-104. General rules of order.
- 1-105. Ordinance adoption procedure.

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<sup>1</sup>Charter references

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

Municipal code references

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

Fire department: title 7.

Utilities: titles 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14.

<sup>2</sup>Charter reference

City council: art. III, § 1.

**1-101. Councilmanic wards.**<sup>1</sup> The territory within the corporate limits of the City of Lewisburg shall be divided into five (5) wards numbered FIRST through FIFTH inclusive, the boundaries and designations of each being as follows<sup>2</sup>:

- (1) Deleted.
- (2) Deleted.
- (3) Deleted.
- (4) Deleted.
- (5) Deleted. (1985 Code, § 1-101, as amended by Ord. #02-08, Sept. 2002, and Ord. #12-06, Aug. 2012)

**1-102. Time and place of regular meetings.** The city council shall hold regular monthly meetings at 6:00 P.M. on the second Tuesday of each month at the city administration building. (1985 Code, § 1-102, as amended by Ord. #97-12, Aug. 1997; and Ord. #00-03, May 2000, modified)

**1-103. Order of business.** At each meeting of the city council the following regular order of business shall be determined by the mayor unless objected to by a majority vote of the members present:

- (1) Call to order by the mayor.
- (2) Roll call by the recorder.
- (3) Communications from the mayor.
- (4) Reading of minutes of the previous meeting by the recorder and approval or correction.
- (5) Approval of the monthly bills.
- (6) Approval of the financial statement.
- (7) Citizen input.
- (8) Old business.
- (9) New business.
- (10) Other business.
- (11) Adjournment. (1985 Code, § 1-103, modified)

**1-104. General rules of order.** The rules of order and parliamentary procedure contained in the current edition of Robert's Rules of Order Newly Revised shall govern the transaction of business by and before the city council

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<sup>1</sup>Charter references

Election of councilmen: art. III, § 4.

Wards: art. I, § 3.

<sup>2</sup>Ord. #02-08, Sept. 2002, deleted subsections (1)–(5) regarding wards and incorporated a ward map, which as been further replaced by Ord. #21-18, Jan. 2022 and is available in the city recorder's office.

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. (1985 Code, § 1-104, modified, as replaced by Ord. #23-21, June 2023 ***Ch15\_06-28-23***)

**1-105. Ordinance adoption procedure.** All proposed ordinances shall be read in session before the city council at three (3) different meetings on separate days and shall be enacted and passed by a majority vote of a quorum of the city council and any ordinance not so read shall be null and void. At the discretion of the mayor without objection of the majority of the councilmen present, a proposed ordinance may be presented for consideration on first, second and third reading by only reading the caption of the proposed ordinance. (1985 Code, § 1-105, as replaced by Ord. #10-04, March 2010)

## CHAPTER 2

### MAYOR

#### SECTION

1-201. Executive duties.

**1-201. Executive duties.** The mayor shall not have any regular administrative duties and as chief executive officer shall preside at all meetings of the city council, sign the minutes of all city council meetings and ordinances passed on third and final reading, execute all deeds, bonds, contracts, notes and other instruments in the name of the city, acknowledge the execution thereof as mayor, accept service of process for the city, and effectively exercise all such powers as may be conferred or imposed upon him by ordinance, not in conflict with the provisions of this chapter.<sup>1</sup> (1985 Code, § 1-201)

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<sup>1</sup>Charter references

Mayor and city council: art. III.

Mayor: art. V.

## CHAPTER 3

### CITY MANAGER

#### SECTION

1-301. Appointment and term.

1-302. Administrative head of city.

1-303. To be bonded.

**1-301. Appointment and term.** The city manager shall be appointed by the city council upon such terms, and such salary and for such period of time as the council may determine. (1985 Code, § 1-301)

**1-302. Administrative head of city.** The city manager shall be the administrative head of the city government under the direction and supervision of the city council, and shall perform all duties and responsibilities enumerated specifically or by implication in the charter.<sup>1</sup> (1985 Code, § 1-302)

**1-303. To be bonded.** The city manager shall be bonded in such amount as may be fixed by, and with such surety as may be acceptable to, the city council. (1985 Code, § 1-303)

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<sup>1</sup>Charter reference

City manager: art. VII.



## CHAPTER 4

### CITY JUDGE<sup>1</sup>

#### SECTION

- 1-401. Election, qualifications and term.
- 1-402. Authority and duties.
- 1-403. To be bonded.

**1-401. Election, qualifications and term.** The office of city judge shall be an attorney-at-law licensed to practice in Tennessee, of not less than thirty (30) years of age at the time he assumes the duties of office and shall be elected for an eight (8) year term. (1985 Code, § 1-401, modified)

**1-402. Authority and duties.** The city judge shall preside over city court and shall exercise such authority and perform such duties prescribed by the charter for city judge. (1985 Code, § 1-402, modified)

**1-403. To be bonded.** The city judge shall be bonded in such amount as may be fixed by, and with such surety as may be acceptable to, the city council. (1985 Code, § 1-403, modified)

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<sup>1</sup>Charter references

City court: art. VIII.

Recorder: art. VI, § 2 and art. X.

Municipal code reference

Municipal court: title 3.

## CHAPTER 5

### CITY ATTORNEY<sup>1</sup>

#### SECTION

1-501. Appointment and term.

1-502. Duties.

1-503. To be bonded.

**1-501. Appointment and term.** The city attorney shall be appointed by, and serve at the pleasure of, the city council. (1985 Code, § 1-601)

**1-502. Duties.** It shall be the duty of the city attorney to represent the city in all legal matters and to perform all other duties described for the city attorney in the charter. (1985 Code, § 1-602, modified)

**1-503. To be bonded.** The city attorney shall be bonded in such amount as may be fixed by, and with such surety as may be accountable to, the city council. (1985 Code, § 1-603)

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<sup>1</sup>Charter reference

City court: art. VIII.

Municipal code reference

Municipal court: title 3.

## CHAPTER 6

### TREASURER

#### SECTION

1-601. Appointment and term.

1-602. Duties.

1-603. Treasurer and recorder.

1-604. To be bonded.

**1-601. Appointment and term.** The treasurer shall be appointed by, and serve at the pleasure of, the city council. (1985 Code, § 1-701)

**1-602. Duties.** The treasurer shall be the general supervisor of the fiscal and financial affairs of the city and shall perform all duties described for the treasurer in the charter.<sup>1</sup> (1985 Code, § 1-702)

**1-603. Treasurer and recorder.** The treasurer and recorder may be the same person if authorized by the city council.

**1-604. To be bonded.** The treasurer shall be bonded in such amount as may be fixed by, and with such surety as may be acceptable to, the city council. (1985 Code, § 1-703)

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<sup>1</sup>Charter reference

Treasurer: art. XI.

## CHAPTER 7

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

#### SECTION

1-701. Appointment and term.

1-702. Duties.

1-703. Recorder and treasurer.

1-704. To be bonded.

**1-701. Appointment and term.** The recorder shall be appointed by and serve at the pleasure of the city council. (1985 Code, § 1-401, modified)

**1-702. Duties.** The city recorder shall keep the minutes of all city council meetings, preserve the original ordinances and resolutions in an ordinance book and resolution book, respectively, and shall perform all duties described for the recorder in the charter and conferred or imposed on him by ordinance or the city council not in conflict with the charter. (1985 Code, § 1-402, modified)

**1-703. Recorder and treasurer.** The recorder and treasurer may be the same person if authorized by the city council.

**1-704. To be bonded.** The recorder shall be bonded in such an amount as may be fixed and with such surety as may be acceptable to the city council. (1985 Code, § 1-403, modified)

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<sup>1</sup>Charter reference

Recorder: art. VI, § 2 and art. X.

## CHAPTER 8

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

#### SECTION

- 1-801. Applicability.
- 1-802. Definition of "personal interest."
- 1-803. Disclosure of personal interest by official with vote.
- 1-804. Disclosure of personal interest in non-voting matters.
- 1-805. Acceptance of gratuities, etc.
- 1-806. Use of information.
- 1-807. Use of municipal time, facilities, etc.
- 1-808. Use of position or authority.
- 1-809. Outside employment.
- 1-810. Ethics complaints.
- 1-811. Violations.

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<sup>1</sup>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: Tennessee Code Annotated, §§ 6-54-107, 108; 12-4-101, 102.

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

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

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

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

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

**1-801. Applicability.** This chapter is the code of ethics for personnel of the City of Lewisburg. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the city. The words "municipal" and "city" or "City of Lewisburg" includes these separate entities. (as added by Ord. #07-03, April 2007)

**1-802. Definition of "personal interest."** 1. For purposes of §§ 1-803 and 1-804, "personal interest" means:

- a. Any financial, ownership, or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interests; or
- b. Any financial, ownership, or employment interest in a matter to be regulated or supervised; or
- c. Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), step parent(s), grandparent(s), sibling(s), child(ren), or step child(ren).

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

3. In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (as added by Ord. #07-03, April 2007)

**1-803. Disclosure of personal interest by official with vote.** An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself<sup>1</sup> from voting on the measure. (as added by Ord. #07-03, April 2007)

**1-804. Disclosure of personal interest in non-voting matters.** An official or employee who must exercise discretion relative to any matter other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the

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

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. #07-03, April 2007)

**1-805. Acceptance of gratuities, etc.** An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the city:

1. For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or
2. That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business. (as added by Ord. #07-03, April 2007)

**1-806. 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. #07-03, April 2007)

**1-807. Use of municipal time, facilities, etc.** (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.

- (2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the city council to be in the best interests of the city. (as added by Ord. #07-03, April 2007)

**1-808. Use of position or authority.** 1. An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the city.

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

(3) **Workplace bullying by governing body members.** A governing body member shall not intentionally bully any public employee, including the city manager and city attorney. For purposes of this subsection, workplace bullying means intentional behavior intended to create an abusive work environment for a public employee or public employees, bullying behavior is behavior in the workplace that a reasonable person would find hostile, offensive, and not

obviously related to the City of Lewisburg's legitimate business interests. Workplace bullying includes, but is not limited to the following:

- (a) Use of disrespectful and devaluing language, whether by derogatory remarks, insults and/or epithets; and/or
- (b) Persistent or constant criticism in front of other persons (including co-workers, vendors, contractors or members of the public) for the purpose of humiliating or intimidating an employee; and/or
- (c) Behavior or language that frightens, humiliates, belittles, or degrades, including criticism that is delivered with yelling and screaming.
- (d) Reported violations of this policy shall be dealt with as are other violations within the code of ethics and particularly as set out in § 1-810, ethics complaints, and in § 1-811, violations. (as added by Ord. #07-03, April 2007, and amended by Ord. #14-09, Oct. 2014)

**1-809. Outside employment.** A full-time employee of the city may not accept any outside employment without written authorization from the city manager. (as added by Ord. #07-03, April 2007)

**1-810. Ethics complaints.** 1. The mayor is designated as the ethics officer of the city. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

2. a. Except as otherwise provided in this subsection, the city attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation, and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.

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

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

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



4. When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics. (as added by Ord. #07-03, April 2007)

**1-811. 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 city council. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #07-03, April 2007)

**TITLE 2****BOARDS AND COMMISSIONS, ETC.****CHAPTER**

1. COMMUNITY DEVELOPMENT BOARD.
2. ELECTRIC POWER BOARD.
3. NATURAL GAS BOARD.
4. WATER AND SEWER BOARD.
5. MISCELLANEOUS BOARDS.

**CHAPTER 1****COMMUNITY DEVELOPMENT BOARD****SECTION**

- 2-101. Created.
- 2-102. Composition.
- 2-103. Purposes.

**2-101. Created.** There is hereby created the community development board. (Ord. #97-16, Oct. 1997, as replaced by Ord. #23-15, May 2023 *Ch15\_06-28-23*)

**2-102. Composition.** The board shall have nine (9) members who shall be either residents of or own property in the corporate limits of the city. The mayor shall appoint board members for terms of three (3) years, subject to confirmation by a majority vote of the council within forty-five (45) days. If the council fails to confirm or reject an appointee within that time, the appointee shall be deemed confirmed. The requirement for confirmation or rejection of board members shall begin on the effective date of this ordinance. All current members of the board shall remain in full force and effect until the end of their term unless they resign, commit malfeasance, or are convicted of a felony. For the initial appointment to the board:

- (1) Three (3) members shall be appointed for terms to expire 6/30/1999;
- (2) Three (3) members for terms to expire 6/30/2000; and
- (3) Three (3) members for terms to expire 6/30/2001. (Ord. #97-16, Oct. 1997, as replaced by Ord. #23-15, May 2023 *Ch15\_06-28-23*)

**2-103. Purposes.** The board's purposes are:

- (1) To evaluate and report community needs to the city council;
- (2) To promote retail trade, professional services, and educational, cultural and leisure activities and programs;
- (3) To enhance the living standards in the city;

- (4) To promote revitalization of the Lewisburg Square;
- (5) To represent the city in connection with civic activities and programs of the chamber of commerce, civic clubs and Main Street;
- (6) To provide program assistance to those seeking financial aid for improvement of properties in the city;
- (7) To assist in coordination of civic affairs;
- (8) To act as a liaison for property owners in obtaining grants or loans from state and federal governments. (Ord. #97-16, Oct. 1997, as replaced by Ord. #23-15, May 2023 ***Ch15\_06-28-23***)

## CHAPTER 2

### ELECTRIC POWER BOARD

#### SECTION

2-201. Electric power board.

**2-201. Electric power board.** A board to be known as the Lewisburg Electric Power Board is hereby created and shall have three (3) members who shall be appointed and organized in accordance with Tennessee Code Annotated, title 7, chapter 52. As stated in Tennessee Code Annotated, § 7-52-107, such appointments shall be made with the "consent of the governing body of the municipality." Therefore, appointments are subject to confirmation by a majority vote of the council within forty-five (45) days. If the council fails to confirm or reject an appointee within that time, an appointment shall be deemed confirmed. The requirement for confirmation or rejection of board members shall begin on the effective date of this ordinance. All current members of the board shall remain in full force and effect until the end of their term unless they resign, commit malfeasance, or are convicted of a felony. The electric power board shall in all respects be subject to and governed and controlled by the provisions of Tennessee Code Annotated, title 7, chapter 52. (1985 Code, § 13-201, as replaced by Ord. #23-15, May 2023 ***Ch15\_06-28-23***)

## CHAPTER 3

### NATURAL GAS BOARD

#### SECTION

2-301. Natural gas board.

**2-301. Natural gas board.** A board to be known as the Lewisburg Natural Gas Board is hereby created and shall have three (3) members who shall be appointed, confirmed, and organized in accordance with state and federal law. The requirement for confirmation or rejection of board members shall begin on the effective date of this ordinance. All current members of the board shall remain in full force and effect until the end of their term unless they resign, commit malfeasance, or are convicted of a felony. Said board shall have the same powers and duties with respect to the city's gas system, as the electric power board has with respect to the city's electric system. (1985 Code, § 13-301, as replaced by Ord. #23-15, May 2023 ***Ch15\_06-28-23***)

## CHAPTER 4

### WATER AND SEWER BOARD

#### SECTION

2-401. Water and sewer board.

2-402. General duties of the water and sewer board; meetings.

2-403. Setting fees and charges; when notice to council required.

2-404. Remuneration of board members.

**2-401. Water and sewer board.** Pursuant to Tennessee Code Annotated, § 7-35-101, *et. seq.*, there is hereby created a water and sewer board. The board shall consist of three (3) members who shall be appointed by the mayor, subject to confirmation by a majority vote of the council within forty-five (45) days. If the council fails to confirm or reject an appointee within that time, the appointee shall be deemed confirmed. The requirement for confirmation or rejection of board members shall begin on the effective date of this ordinance. All current members of the board shall remain in full force and effect until the end of their term unless they resign, commit malfeasance, or are convicted of a felony. One (1) member shall be a member of the city council whose term shall expire with his term of office, one (1) member shall be a resident of the City of Lewisburg and one (1) member may reside outside the corporate limits of the City of Lewisburg but shall reside within the area serviced by the water and sewer board. The two (2) non-council members shall be appointed to serve two (2) year terms to expire on June 30 of even and odd years, or until their successors are appointed and qualified. The mayor and city manager shall be non-voting ex officio members of the board and shall have the right to full participation in all meetings of the board. One (1) member shall be a member of the city council whose term shall expire with his term of office, one (1) member shall be a resident of the City of Lewisburg and one (1) member may reside outside the corporate limits of the City of Lewisburg but shall reside within the area serviced by the water and sewer board. The two (2) non-council members shall be appointed to serve two (2) year terms to expire on June 30 of even and odd years, or until their successors are appointed and qualified. The mayor and city manager shall be non-voting ex officio members of the board and shall have the right to full participation in all meetings of the board. (1985 Code, § 13-101, as replaced by Ord. #23-15, May 2023 ***Ch15\_06-28-23***)

**2-402. General duties of the water and sewer board; meetings.** It shall be the duty of the water and sewer board to oversee the complete operation of the water and sewer department. The board shall meet at least once a month and as often as is necessary to perform its necessary functions. It shall keep records of all business transacted which records shall be open for inspection by the mayor, the city manager and each and every member of the city council. The

board shall send to the members of city council and the mayor a monthly financial statement and any other statement(s) or plan(s) of action it deems of interest to the city council. (1985 Code, § 13-102, modified, as replaced by Ord. #23-15, May 2023 ***Ch15\_06-28-23***)

**2-403. Setting fees and charges; when notice to council required.**

The board shall determine user and all other fees and charges necessary to operate the water and sewer department on a self-supporting basis as required by Tennessee Code Annotated, § 7-35-414. Whenever an adjustment in any fees and/or charges for water and/or sewage is voted by the board, the city council shall be given forty-five (45) days' notice of such adjustment and such adjustment shall require city council approval prior to becoming effective. The chairman of the board shall attend the first city council meeting after notice by the board to the city council of a proposed adjustment for the purpose of answering questions by the city council (1985 Code, § 13-103, as replaced by Ord. #13-09, Dec. 2013, and replaced by Ord. #23-15, May 2023 ***Ch15\_06-28-23***)

**2-404. Remuneration of board members.** Each member of the board may be paid per month per meeting attended. (1985 Code, § 13-104, as replaced by Ord. #23-15, May 2023 ***Ch15\_06-28-23***)

## CHAPTER 5

### MISCELLANEOUS BOARDS

#### SECTION

##### 5-101. Miscellaneous boards.

**5-101. Miscellaneous boards.** All other miscellaneous boards except the planning commission with members subject to appointment by the mayor shall be subject to confirmation by a majority vote of the council within forty-five (45) days. If the council fails to confirm or reject an appointee within that time, the appointee shall be deemed confirmed. The requirement for confirmation or rejection of board members shall begin on the effective date of this ordinance. All current members of the board shall remain in full force and effect until the end of their term unless they resign, commit malfeasance, or are convicted of a felony. Appointment to the planning commission shall continue to be done in accordance with title 14 chapter 1 of the Lewisburg Municipal Code, state, and federal law. (as added by Ord. #23-15, May 2023 ***Ch15\_06-28-23***)



## TITLE 3

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

#### CHAPTER

1. CITY COURT OPERATION.
2. WARRANTS, SUMMONSES AND SUBPOENAS.
3. BONDS AND APPEALS.

#### CHAPTER 1

#### CITY COURT OPERATION

#### SECTION

- 3-101. Maintenance of docket.
- 3-102. Imposition of fines, penalties, and costs.
- 3-103. Disposition and report of fines, penalties, and costs.
- 3-104. Disturbance of proceedings.
- 3-105. Trial and disposition of cases.

**3-101. Maintenance of docket.** The city judge shall keep a complete docket of all matters coming before him in his judicial capacity. The docket shall include for each defendant such information as his name; warrant and/or summons numbers; alleged offense; disposition; fines; penalties; and costs imposed and whether collected; whether committed to workhouse; and all other information which may be relevant. (1985 Code, § 1-501)

**3-102. 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 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 courts of general sessions for similar work in state cases plus two dollars (\$2.00) as a tax on the same.<sup>2</sup>

In addition, each defendant or prisoner detained or jailed in the Marshall County Jail shall have added to his city court bill of costs a lock up fee.

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<sup>1</sup>Charter reference  
City court: art. VIII.

<sup>2</sup>Charter reference: art. VIII, § 10.  
State law reference  
Tennessee Code Annotated, § 8-21-401.

(1) Electronic citation regulations and fees. (a) As used in this section, "electronic citation" means a written citation or an electronic citation prepared by a law enforcement officer on paper or on an electronic data device with the intent the citation shall be filed, electronically or otherwise, with a court having jurisdiction over the alleged offense.

(b) Pursuant to and in accordance with state statutory requirements found in Tennessee Code Annotated, § 55-10-207(e), each court clerk shall charge and collect an electronic citation fee of five dollars (\$5.00) for each citation which results in a conviction. (1985 Code, § 1-507, modified, as amended by Ord. #18-05, July 2018)

**3-103. Disposition and report of fines, penalties, and costs.** All funds coming into the hands of the city judge in the form of fines, penalties, costs, and forfeitures shall be recorded by him and paid over daily to the city. At the end of each month he shall submit to the city council a report accounting for the collection or non-collection of all fines and costs imposed by his court during the current month and to date for the current fiscal year. (1985 Code, § 1-510)

**3-104. 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. (1985 Code, § 1-511)

**3-105. Trial and disposition of cases.** Every person charged with violating a municipal ordinance or state law 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. (1985 Code, § 1-505)

## CHAPTER 2

### WARRANTS, SUMMONSES AND SUBPOENAS

#### SECTION

3-201. Issuance of arrest warrants.

3-202. Issuance of summonses.

3-203. Issuance of subpoenas.

**3-201. Issuance of arrest warrants.**<sup>1</sup> The city judge or city court clerk, or in the event of their absence or disability the mayor, shall have the power to issue warrants, except search warrants, for the arrest of persons charged with violating state laws or violating municipal ordinances without arrest when such violations occur within the city limits of the city. The city judge shall have the power to issue search warrants. (1985 Code, § 1-502, modified)

**3-202. Issuance of summonses.** When complaint of an alleged or state law violation is made, to the city judge, city court clerk, or in their absence the mayor, 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 need not set out verbatim the provisions of this code, ordinance or state law 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. (1985 Code, § 1-503)

**3-203. Issuance of subpoenas.** The city judge or clerk may subpoena as witnesses all persons upon request of the city attorney, arresting officer or defendant when testimony of such persons is believed to be relevant and material to the matter before the court for which the subpoena is to be issued and shall be unlawful for any person served with a subpoena to fail or neglect to comply therewith. (1985 Code, § 1-504, modified)

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<sup>1</sup>State law reference

For authority to issue warrants, see Tennessee Code Annotated, title 40, chapter 6.

## CHAPTER 3

### BONDS AND APPEALS

#### SECTION

3-301. Appearance bonds authorized.

3-302. Appeals.

3-303. Bond amounts, conditions, and forms.

3-304. Additional court cost.

**3-301. 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 as determined by the city judge or committing magistrate, provided such alleged offender is not drunk or otherwise in need of protective custody. (1985 Code, § 1-506, modified)

**3-302. Appeals.** Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days next after such judgment is rendered, appeal to the circuit court upon posting a proper appeal bond.<sup>1</sup> (1985 Code, § 1-508, modified)

**3-303. Bond amounts, conditions, and forms.** An appearance bond in any case before the city court shall be in such amount as the city judge or committing magistrate 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 five hundred dollars (\$500.00) and shall be conditioned that if the circuit court shall find against the appellant the fine or penalty and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any person approved by the circuit court or any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own and pledge real property located within the county. No other type bond shall be acceptable. (1985 Code, § 1-509, modified, as replaced by Ord. #02-06, Aug. 2002)

**3-304. Additional court cost.** (1) Fifteen dollars (\$15.00) will be charged as additional court cost in the city court to be used to help defray the expense of purchasing police motor vehicles and related equipment; and

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 27-5-101.

(2) This additional cost shall be separately accounted for in the "Police Motor Vehicle Account" and used solely to help defray the expense of purchasing police motor vehicles and related equipment. (1985 Code, § 1-512)

## TITLE 4

### MUNICIPAL PERSONNEL

#### CHAPTER

1. SOCIAL SECURITY--CITY PERSONNEL.
2. VACATION AND SICK LEAVE.
3. PERSONNEL REGULATIONS.
4. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.

#### CHAPTER 1

### SOCIAL SECURITY--CITY PERSONNEL

#### SECTION

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

**4-101. Policy and purpose as to coverage.** It is hereby declared to be the policy and purpose of the City of Lewisburg 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. (1985 Code, § 1-1001)

**4-102. Necessary agreements to be executed.** The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1985 Code, § 1-1002)

**4-103. Withholdings from salaries or wages.** Withholdings from the salaries or wages of employees and officials for the purpose provided in § 4-101 of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (1985 Code, § 1-1003)

**4-104. Appropriations for employer's contributions.** There shall be appropriated from available funds such amounts at such times as may be

required by applicable state or federal laws or regulations for employer's contributions, and the same shall be paid over to the state or federal agency designated by said laws or regulations. (1985 Code, § 1-1004)

**4-105. Records and reports to be made.** The city shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1985 Code, § 1-1005)

## CHAPTER 2

### VACATIONS AND SICK LEAVE

#### SECTION

4-201. Vacations and sick leave.

**4-201. Vacations and sick leave.** The city council may from time to time, by resolution, adopt a vacation and sick leave plan. (1985 Code, § 1-1101)



## CHAPTER 3

### PERSONNEL REGULATIONS

#### SECTION

- 4-301. Business dealings.
- 4-302. Acceptance of gratuities.
- 4-303. Outside employment.
- 4-304. Political activity.
- 4-305. Use of municipal time, facilities, etc.
- 4-306. Use of position.
- 4-307. Fidelity bond required of certain personnel.
- 4-308. At-will employment.
- 4-309. Termination.
- 4-310. Indemnification of city officials and employees.

**4-301. Business dealings.** Except for the receipt of such compensation as may be lawfully provided for the performance of his municipal duties, it shall be unlawful for any municipal officer or employee to be privately interested in, or to profit, directly or indirectly, from business dealings with the municipality. (1985 Code, § 1-1201)

**4-302. Acceptance of gratuities.** No city officer or employee shall accept any money or other consideration or favor from anyone other than the city for the performance of an act which he would be required or expected to perform in the regular course of his duties; nor shall any officer or employee accept, directly or indirectly, any gift, gratuity, or favor of any kind which might reasonably be interpreted as an attempt to influence his actions with respect to city business. (1985 Code, § 1-1202)

**4-303. Outside employment.** No full-time officer or employee of the municipality shall accept any outside employment without written authorization from the city manager. The city manager shall not grant such authorization if the work is likely to interfere with the satisfactory performance of the officer's or employee's duties, or is incompatible with his municipal employment, or is likely to cast discredit upon or create embarrassment for the municipality. (1985 Code, § 1-1203, modified)

**4-304. Political activity.** City officers and employees shall enjoy the same rights of other citizens of Tennessee to be a candidate for any state or local political office, the right to participate in political activities by supporting or opposing political parties, political candidates; and petitions to governmental entities; provided the city is not required to pay the employee's salary for work

not performed for the city. Provided, however, city employees shall not be qualified to run for mayor or city councilman. (1985 Code, § 1-1204, modified)

**4-305. Use of municipal time, facilities, etc.** No city officer or employee shall use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself or any other private person or group. Provided, however, that this prohibition shall not apply where the governing body has authorized the use of such time, facilities, equipment, or supplies, and the municipality is paid at such rates as are normally charged by private sources for comparable services. (1985 Code, § 1-1205)

**4-306. Use of position.** No city officer or employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the city, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others. (1985 Code, § 1-1206)

**4-307. Fidelity bond required of certain personnel.** The fidelity bond required by article VI, § 3, of the charter shall be in the form of a blanket bond in the amount of twenty thousand dollars (\$20,000.00). (1985 Code, § 1-1207)

**4-308. At-will employment.** All city employees are at-will employees of the city and as at-will employees their employment does not vest in them any right for continued employment by the city. Employees may be terminated at any time with or without cause.

**4-309. Termination.** Employees terminating their employment shall be paid their accrued salary and vacation days through their termination date. No employee shall receive or have any right to compensation at any time.

**4-310. Indemnification of city officials and employees.** (1) Subject to the provisions of the Tennessee Governmental Tort Liability Act, the city shall indemnify to the fullest extent permitted by law, city officials and employees, including those appointees serving on city boards and commissions, against any loss or liability arising out of any actual or alleged error, misstatement, act of omission, neglect or breach of duty arising from the performance of those functions and responsibilities that come within the scope of their official duties undertaken on behalf of the city. Such indemnification shall include, but not be limited to, claims, loss, damages, judgments, settlements, court costs, reasonable attorney's fees and expenses of litigation.

(2) The indemnification provided for in this section shall not extend to any claim, loss, damages, judgments, settlements, court costs, attorney's fees or expenses which:

- (a) Arise from actions which were willful, wanton, malicious, criminal or performed for personal gain, or constituted medical malpractice by a health care provider; or
- (b) Arise from acts of fraud, corruption or dishonesty; or
- (c) Exceed the applicable limits of liability provided by the Tennessee Governmental Tort Liability Act; or
- (d) Constitute punitive damages.

(3) Indemnification shall be provided only if the city has received timely notice of the claim and has been afforded a reasonable opportunity to provide legal counsel for the defense thereof.

(4) The city reserves all of its rights, privileges and immunities under the Tennessee Governmental Tort Liability Act and other applicable laws, and nothing herein shall be construed as a waiver of the city's sovereign immunity in whole or in part. (as added by Ord. #14-04, July 2014)

## CHAPTER 4

### **OCCUPATIONAL SAFETY AND HEALTH PROGRAM**

#### **SECTION**

- 4-401. Title.
- 4-402. Purpose.
- 4-403. Coverage.
- 4-404. Standards authorized.
- 4-405. Variances from standards authorized.
- 4-406. Administration.
- 4-407. Funding the program.

**4-401. Title.** This section shall be known as "The Occupational Safety and Health Program Plan" for the employees of the City of Lewisburg, Tennessee. (1985 Code, § 1-1301, as replaced by Ord. #02-09, Oct. 2002, Ord. #10-16, Nov. 2010, Ord. #16-01, March 2016, and Ord. #23-05, March 2023 *Ch15\_06-28-23*)

**4-402. Purpose.** The City of Lewisburg in electing to update the established program plan will maintain an effective and comprehensive occupational safety and health program plan 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 the existing or potential hazards; and
- (d) Train managers, supervisors, and employees to understand and deal with worksite hazards.

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

(3) Record, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, or persons within the 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 Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.

(5) Consult with the 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 plan, 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 plan. (1985 Code, § 1-1302, as replaced by Ord. #02-09, Oct. 2002, Ord. #10-16, Nov. 2010, Ord. #16-01, March 2016, and Ord. #23-05, March 2023 ***Ch15\_06-28-23***)

**4-403. Coverage.** The provisions of the occupational safety and health program plan for the employees of the City of Lewisburg shall apply to all employees of each administrative department, commission, board, division, or other agency whether part-time or full-time, seasonal or permanent. (1985 Code, § 1-1303, as replaced by Ord. #02-09, Oct. 2002, Ord. #10-16, Nov. 2010, Ord. #16-01, March 2016, and Ord. #23-05, March 2023 ***Ch15\_06-28-23***)

**4-404. Standards authorized.** The occupational safety and health standards adopted by the City of Lewisburg are the same as, but not limited to, the State of Tennessee occupational safety and health standards promulgated, or which may be promulgated, in accordance with section 6 of the Tennessee Occupational Safety and Health Act of 1972 (Tennessee Code Annotated, title 50, chapter 3). (1985 Code, § 1-1304, modified, as replaced by Ord. #02-09, Oct. 2002, Ord. #10-16, Nov. 2010, Ord. #16-01, March 2016, and Ord. #23-05, March 2023 ***Ch15\_06-28-23***)

**4-405. Variances from standards authorized.** Upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, we may request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, VARIANCES FROM OCCUPATIONAL SAFETY AND HEALTH STANDARDS, CHAPTER 0800-01-02, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, we will notify or serve notice to our employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board shall be deemed sufficient notice to employees. (1985 Code, § 1-1305, as replaced by Ord. #02-09, Oct. 2002, Ord. #10-16, Nov. 2010, Ord. #16-01, March 2016, and Ord. #23-05, March 2023 ***Ch15\_06-28-23***)

**4-406. Administration.** For the purposes of this chapter, the city manager is designated as the safety director of occupational safety and health to perform duties and to exercise powers assigned to plan, develop, and administer this program plan. The safety director shall develop a plan of operation for the program plan in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, SAFETY AND HEALTH PROVISIONS FOR THE PUBLIC SECTOR, CHAPTER 0800-01-05, as authorized by Tennessee Code Annotated, title 50. (1985 Code, § 1-1306, modified, as replaced by Ord. #02-09, Oct. 2002, Ord. #10-16, Nov. 2010, Ord. #16-01, March 2016, and Ord. #23-05, March 2023 *Ch15\_06-28-23*)

**4-407. Funding the program.** Sufficient funds for administering and staffing the program plan pursuant to this chapter shall be made available as authorized by the city council. (1985 Code, § 1-1307, as replaced by Ord. #02-09, Oct. 2002, Ord. #10-16, Nov. 2010, Ord. #16-01, March 2016, and Ord. #23-05, March 2023 *Ch15\_06-28-23*)

## TITLE 5

### MUNICIPAL FINANCE AND TAXATION<sup>1</sup>

#### CHAPTER

1. REAL PROPERTY TAXES.
2. PRIVILEGE TAXES.
3. WHOLESALE BEER TAX.
4. PURCHASING REGULATIONS.
5. LITIGATION TAX.
6. BUDGET.

#### CHAPTER 1

#### REAL PROPERTY TAXES

#### SECTION

- 5-101. When due and payable.
- 5-102. When delinquent--penalty and interest.
- 5-103. Collection of delinquent taxes.

**5-101. When due and payable.**<sup>2</sup> Taxes levied by the municipality against real property shall become due and payable annually on the first Monday of October of the year for which levied. (1985 Code, § 6-101)

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<sup>1</sup>Charter references

Budget and appropriations: art. XIII.  
Sinking fund: art. XIV.  
Taxation and revenue: art. XII.

<sup>2</sup>State law references

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

**5-102. When delinquent--penalty and interest.**<sup>1</sup> All real property taxes shall become delinquent on and after the first day of March next after they become due and payable and shall thereupon be subject to such penalty and interest as is authorized and prescribed by the charter.<sup>2</sup> (1985 Code, § 6-102)

**5-103. Collection of delinquent taxes.** The city attorney shall be the delinquent tax attorney for the city and is directed to initiate actions to enforce the collection of delinquent taxes by suit or otherwise. (1985 Code, § 6-103)

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<sup>1</sup>Charter and state law reference

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

<sup>2</sup>Charter and state law references

A municipality has the option of collecting delinquent property taxes any one of three ways:

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



## CHAPTER 2

### PRIVILEGE TAXES

#### SECTION

5-201. Tax levied.

5-202. License required.

**5-201. Tax levied.** Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by said state laws.

The taxes provided for in the state's "Business Tax Act" (Tennessee Code Annotated, § 67-4-701, et seq.) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the city at the maximum rate and in the manner prescribed by the said act. (1985 Code, § 6-201)

**5-202. License required.** No person shall exercise any such privilege within the City of Lewisburg without a current and valid privilege license, which shall be issued by the treasurer to each applicant therefor upon such applicant's compliance with all regulatory provisions in this code and payment of the appropriate privilege tax. (1985 Code, § 6-202, modified)

## CHAPTER 3

### WHOLESALE BEER TAX

#### SECTION

5-301. To be collected.

**5-301. To be collected.** The treasurer is hereby directed to take appropriate action to assure payment to the city of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.<sup>1</sup> (1985 Code, § 6-301)

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<sup>1</sup>State law reference

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

## CHAPTER 4

### PURCHASING REGULATIONS

#### SECTION

5-401. Purchasing amount allowed without public advertising.

**5-401. Purchasing amount allowed without public advertising.**

Pursuant to Tennessee Code Annotated, § 6-56-306, the City of Lewisburg hereby increases the amount to twenty-five thousand dollars (\$25,000.00) before public advertising is required, and any reference to the three thousand five hundred dollar (\$3,500.00) limit shall be deemed five thousand dollars (\$5,000.00). (Ord. #96-14, Jan. 1997, modified, as amended by Ord. #07-09, Sept. 2007, and Ord. #22-24, Aug. 2022 *Ch15\_06-28-23*)

## CHAPTER 5

### LITIGATION TAX

#### SECTION

5-101. Litigation tax levied.

**5-101. Litigation tax levied.** Effective on the first (1st) day of the month following the passage of the ordinance comprising this chapter, the city litigation taxes in the City of Lewisburg City Court shall be as follows:

(1) On cases in city court there is hereby levied a city litigation tax to match the state litigation tax of seventeen dollars and seventy-five cents (\$17.75) for civil cases and twenty-nine dollars and fifty cents (\$29.50) for criminal cases.

(2) The privilege taxes levied pursuant to this chapter shall be paid to the city recorder monthly to be used for any municipal purposes. (as added by Ord. #07-11, Nov. 2007)

## CHAPTER 6

### BUDGET

#### SECTION

5-601. Unobligated funds and fund balance.

**5-601. Unobligated funds and fund balance.** (1) The balance of unobligated funds shall remain at or above thirty percent (30%) of the annual operating budget<sup>1</sup> of the City of Lewisburg; however, in cases of financial need, the city council, by a simple majority may authorize the encroachment and expenditure of unobligated funds which lowers the balance of said funds below said thirty percent (30%).

(2) Fund balance at prior year end to be used as a measurement. (as added by Ord. #15-13, Dec. 2015)

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<sup>1</sup>Operating budget to exclude grants and capital expenditures.

## TITLE 6

### LAW ENFORCEMENT

#### CHAPTER

1. POLICE AND ARREST.
2. WORKHOUSE.

#### CHAPTER 1

### POLICE AND ARREST<sup>1</sup>

#### SECTION

- 6-101. Appointment of chief of police.
- 6-102. Policemen subject to chief's orders.
- 6-103. Policemen to preserve law and order, etc.
- 6-104. When policemen to make arrests.
- 6-105. Policemen may require assistance.
- 6-106. Disposition of persons arrested.
- 6-107. Police department records.
- 6-108. Designation of certain municipal enforcement officers as having the authority to issue ordinance summonses.

**6-101. Appointment of chief of police.** The city manager shall appoint a chief of police and such policemen and other members of the police force as available funds shall permit. All such personnel shall serve at the will and pleasure of the city manager. (1985 Code, § 1-801)

**6-102. Policemen subject to chief's orders.** All policemen shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue. (1985 Code, § 1-802)

**6-103. Policemen to preserve law and order, etc.** Policemen shall preserve law and order within the municipality. They shall patrol the municipality and shall assist the city court during the trial of cases. Policemen shall also promptly serve any legal process issued by the city court. (1985 Code, § 1-803)

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<sup>1</sup>Charter reference

Police department: art. XV.

Municipal code reference

Additional court costs to help defray expense of police motor vehicles:  
§ 3-304.

**6-104. When policemen to make arrests.**<sup>1</sup> Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a policeman in the following cases:

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

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

(3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1985 Code, § 1-804)

**6-105. Policemen may require assistance.** It shall be unlawful for any person willfully to refuse to aid a policeman in maintaining law and order or in making a lawful arrest when such person's assistance is requested by the policeman and is reasonably necessary. (1985 Code, § 1-805)

**6-106. Disposition of persons arrested.** Unless otherwise authorized by law, when any person is arrested he shall be brought before the city court or committing magistrate and allowed to post bond. (1985 Code, § 1-806, modified)

**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 policemen.

(3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (1985 Code, § 1-807)

**6-108. Designation of certain municipal enforcement officers as having the authority to issue ordinance summonses.** The City Council of the City of Lewisburg, Tennessee hereby designates the animal control officers, codes enforcement officers and the city manager as having the authority to issue ordinance summonses in the areas of sanitation, litter control animal control as provided in Tennessee Code Annotated, §§ 7-63-201 through 7-63-204. (1985 Code, § 1-808)

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<sup>1</sup>Municipal code reference

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

## CHAPTER 2

### WORKHOUSE

#### SECTION

6-201. County workhouse to be used.

6-202. Inmates to be worked.

6-203. Compensation of inmates.

**6-201. County workhouse to be used.**<sup>1</sup> The county workhouse is hereby designated as the municipal workhouse, subject to such contractual arrangement as may be worked out with the county. (1985 Code, § 1-901)

**6-202. Inmates to be worked.** All persons committed to the workhouse, to the extent that their physical condition permits, may be required to perform such public work or labor as may be lawfully prescribed for the county prisoners. (1985 Code, § 1-902, modified)

**6-203. Compensation of inmates.** Each workhouse inmate shall be allowed six dollars (\$6.00) per day as credit toward payment of the fines assessed against him.<sup>2</sup> (1985 Code, § 1-903)

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<sup>1</sup>Charter reference

City court; duties, powers: art. VIII, § 6.

<sup>2</sup>State law reference

Tennessee Code Annotated, § 40-24-104.



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

1. FIRE DISTRICT AND LANES.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIRE SERVICE OUTSIDE CITY LIMITS.
5. FIREWORKS.
6. FIRE ALARM REGULATIONS.

**CHAPTER 1****FIRE DISTRICT AND LANES****SECTION**

- 7-101. Fire district.  
7-102. Fire lanes.

**7-101. Fire district.** The fire district shall be and include all the area in the city.<sup>2</sup> (1985 Code, § 7-101, modified)

**7-102. Fire lanes.** Fire lanes shall be such area on public or private property as designated and identified as such. (1985 Code, § 7-102)

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<sup>1</sup>Municipal code reference  
Building, utility and housing codes: title 12.

<sup>2</sup>Municipal code reference  
Zoning ordinance and map: title 14.

## CHAPTER 2

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

#### SECTION

- 7-201. Fire code adopted.
- 7-202. Enforcement.
- 7-203. Definition of "municipality."
- 7-204. Storage of explosives, flammable liquids, etc.
- 7-205. Gasoline trucks.
- 7-206. Variances.
- 7-207. Violations.

**7-201. Fire code adopted.**<sup>2</sup> Pursuant to the authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the International Fire Code,<sup>3</sup> 2012 edition, as published by the International Code Council, is hereby adopted. Not less than one (1) copy of the International Fire Code, 2012 edition, has been filed with the Recorder of the City of Lewisburg and is available for public use and inspection. Said fire code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (1985 Code, § 7-201, modified, as replaced by Ord. #10-03, March 2010, and Ord. #16-17, Nov. 2016)

**7-202. Enforcement.** The fire prevention code herein adopted by reference shall be enforced by the chief of the fire department. He shall have the same powers as the state fire marshal. (1985 Code, § 7-202)

**7-203. Definition of "municipality."** Wherever the word "municipality" is used in the fire prevention code herein adopted, it shall mean the City of Lewisburg, Tennessee. (1985 Code, § 7-203, modified)

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<sup>1</sup>Municipal code reference  
Building, utility and housing codes: title 12.

<sup>2</sup>Municipal code reference  
Fireworks: title 7, chapter 5.

<sup>3</sup>Copies of this code are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213-1206.

**7-204. Storage of explosives, flammable liquids, etc.** The limits referred to in § 1901.4.2 of the fire prevention code, in which storage of explosives and blasting agents are prohibited, are hereby declared to be the fire limits as set out in § 7-101 of this code.

The limits referred to in § 902.1.1 of the fire prevention code, in which storage of flammable liquids in outside above ground tanks is prohibited, are hereby declared to be the fire limits as set out in § 7-101 of this code.

The limits referred to in § 906.1 of the fire prevention code, in which new bulk plants for flammable or combustible liquids are prohibited, are hereby declared to be the fire limits as set out in § 7-101 of this code.

The limits referred to in § 1701.4.2 of the fire prevention code, in which bulk storage of liquefied petroleum gas is restricted, are hereby declared to be the fire limits as set out in § 7-101 of this code. (1985 Code, § 7-204)

**7-205. Gasoline trucks.** No person shall operate or park a gasoline or propane truck within the city at any time, except for the purpose of, and while actually engaged in, the expeditious delivery of gasoline and propane; however, such trucks may be parked at and on property owned by a gasoline and propane distributor. (1985 Code, § 7-205, modified)

**7-206. Variances.** The chief of the fire department may recommend to the city council variances from the provisions of the fire prevention code upon application in writing by any property owner or lessee, or the duly authorized agent of either, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such variances when granted or allowed shall be contained in a resolution of the city council. (1985 Code, § 7-206)

**7-207. Violations.** It shall be unlawful for any person to violate any of the provisions of this chapter or the Standard 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 care; 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 the municipal code shall not be held to prevent the enforced removal of prohibited conditions. (1985 Code, § 7-207)

## CHAPTER 3

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

#### **SECTION**

- 7-301. Establishment, equipment, and membership.
- 7-302. Objectives.
- 7-303. Organization, rules, and regulations.
- 7-304. Records and reports.
- 7-305. Chief responsible for training and maintenance.
- 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 and such number of physically-fit subordinate officers and firemen as the city manager shall appoint and available funds shall permit. All such personnel shall serve at the will and pleasure of the city manager. (1985 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.
- (7) Enforce fire code, fire lanes and fire districts. (1985 Code, § 7-302)

**7-303. Organization, rules, and regulations.** The chief of the fire department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as he shall deem for the orderly and efficient operation of the fire department. (1985 Code, § 7-303, modified)

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<sup>1</sup>Charter reference

Fire department: art. XVI.

Municipal code reference

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

**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 city manager once each month, and at the end of the year a detailed annual report shall be made. (1985 Code, § 7-304)

**7-305. Chief responsible for training and maintenance.** The chief of the fire department shall be fully responsible for the training of the firemen and maintain records of the training of firemen and maintenance of property and equipment of the fire department. (1985 Code, § 7-306, modified)

**7-306. Chief to be assistant to state officer.** Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the chief of the fire department is designated as an assistant to the state commissioner of insurance and banking and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the fire prevention commissioner in the execution of the provisions thereof. (1985 Code, § 7-308)

## CHAPTER 4

### FIRE SERVICE OUTSIDE CITY LIMITS

#### SECTION

7-401. Equipment to be used only within corporate limits generally.

7-402. Mutual aid agreement.

**7-401. Equipment to be used only within corporate limits generally.** No equipment of the fire department shall be used for fighting any fire outside the corporate limits unless such fire is on city-owned property or, in the opinion of the chief of the fire department, is in such hazardous proximity to property owned by or located within the city as to endanger the city property or unless expressly authorized in writing by the city council. (1985 Code, § 7-307)

**7-402. Mutual aid agreement.** The city has entered into certain mutual aid agreements with Marshall County and other counties and municipalities and the fire department shall abide by such agreements.

## CHAPTER 5

### FIREWORKS

#### SECTION

- 7-501. Fireworks defined.
- 7-502. Permit required.
- 7-503. Restricted areas.
- 7-504. Restricted persons.
- 7-505. Violation and penalty.

**7-501. Fireworks defined.** The term "fireworks" as used herein shall encompass any permissible pyrotechnics device as defined in Tennessee Code Annotated, § 68-104-108. (1985 Code, § 7-401, as replaced by Ord. #20-13, Dec. 2020 *Ch14\_03-08-22*)

**7-502. Permit required.** (1) It is hereby made unlawful for any person, firm, organization, partnership or corporation to shoot, fire or explode any fireworks within the corporate limits of the City of Lewisburg unless such person, firm, organization, partnership or corporation obtain a permit; however, no permit shall be issued except for special occasions and circumstances as may be designated hereafter by motion of the city council.

(2) Fireworks are permissible without a permit only during the following times: July 1-3 from 10:00 A.M. until 10:00 P.M., July 4 from 10:00 A.M. until 11 :00 P.M. and from December 31, 10:00 A.M. until January 1, 1:00 A.M.

(3) No fireworks with or without a permit will be allowed while a burn ban issued by either the city or state is in effect. Any permit having already been issued shall be considered void if a burn ban is subsequently put into effect by the city or state. (1985 Code, § 7-402, modified, as replaced by Ord. #20-13, Dec. 2020 *Ch14\_03-08-22*)

**7-503. Restricted areas.** Use of fireworks is prohibited within one hundred (100) yards of any school, church, hospital, nursing home, health care facility, historical site, electrical plant or substation, water treatment plant, or facility that stores flammable or explosive liquids, gases, or goods; additionally, use of fireworks in municipal parks and recreational areas is restricted to authorized representatives of the city. (as added by Ord. #20-13, Dec. 2020 *Ch14\_03-08-22*)

**7-504. Restricted persons.** It is unlawful for any person who is smoking to come within fifty feet (50') of any location where fireworks are sold, stored, or used. Additionally, it is unlawful for any minor to use fireworks without the supervision of a legal guardian. Any person under the influence of

drugs or alcohol is prohibited from using fireworks. The same standards used to define public intoxication in Tennessee Code Annotated, § 39-17-310 shall apply for the purposes of this section. (as added by Ord. #20-13, Dec. 2020 *Ch14\_03-08-22*)

**7-505. Violation and penalty.** Violations of this chapter shall be punishable by a fine of one hundred dollars (\$100.00) per offense per offender, not to exceed five hundred dollars (\$500.00) per offender per day. (as added by Ord. #20-13, Dec. 2020 *Ch14\_03-08-22*)



## CHAPTER 6

### FIRE ALARM REGULATIONS

#### SECTION

7-601. Definitions.

7-602. Public nuisance.

7-603. Key holder/owner/operator.

**7-601. Definitions.** (1) "False emergency fire alarm." Any signal actuated by an emergency alarm to which the fire department responds which is not the result of fire or other actual emergency and not caused by a violent act of nature and/or drop in pressure from water supply system to sprinkler system.

(2) "Owners and/or operator." A person or persons who resides in, owns, or operates a business or residence in which an emergency fire alarm is connected. (as added by Ord. #12-01, April 2012)

**7-602. Public nuisance.** It is hereby found and determined by the city that all false alarms constitute a public nuisance and the following schedule of notice, warnings, penalties, and costs shall be assessed to the owners and/or operators of emergency alarm systems for false emergency alarms transmitted to the fire department within any year and the Lewisburg Fire Department will maintain records of all false alarms. (as added by Ord. #12-01, April 2012)

**7-603. Key holder/owner/operator.** When the Lewisburg Fire Department responds to any alarm calls, the emergency contact or (key holder) shall respond in a timely manner or within thirty (30) minutes from time of call. If key holder does not respond to the call, or does not respond in the time set forth in this chapter, it will result in the imposition of a fine of fifty dollars (\$50.00) payable within thirty (30) days of said notice regardless of the number of occurrences of false alarm calls.

Otherwise the following shall apply:

First false alarm:	No action.
Second false alarm:	Notice by letter informing the owner or operator of the alarm system of the provisions of this chapter.
Third false alarm:	Warning letter and notice to insure the alarm system is in proper working order. Once the third false emergency alarm has been received, the fire chief shall cause to be sent, by certified mail, a notice to the owner and/or operator that further false emergency alarms

Fourth false alarm: will result in the imposition of a penalty and or costs of providing such service. A fine of fifty dollars (\$50.00) shall be imposed which will be payable in thirty (30) days after notice.

Fifth and subsequent false alarms: A reimbursement for each false alarm and the actual costs of such response by the fire department as calculated and set annually, including the cost of equipment, fuel, personnel, administration, and other such factors as determined by the fire chief will be payable by the owner/operator within thirty (30) days of notice.

Any failure of key holder or owner/operator to pay said fine or reimbursement will result in the city attorney issuing a warrant in city court for said failure to pay. (as added by Ord. #12-01, April 2012)

**TITLE 8****ALCOHOLIC BEVERAGES**<sup>1</sup>**CHAPTER**

1. INTOXICATING LIQUORS.
2. BEER.
3. PRIVILEGE TAX AND ALCOHOLIC BEVERAGES.
4. USE AND SALE OF ALCOHOLIC BEVERAGES IN PARKS.

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

- 8-101. Definitions.
- 8-102. State law incorporated by reference; alcoholic beverages subject to regulation.
- 8-103. Deleted.
- 8-104. Deleted.
- 8-105. Certificate of moral character.
- 8-106. Location and size restrictions on retail business.
- 8-107. Limitation on number of retailers.
- 8-108. Inspection fee.
- 8-109. Bonds required.
- 8-110. Violations.

**8-101. Definitions.** The following definitions are applicable to this chapter:

(1) "Alcoholic beverage" or "beverage" means and includes alcohol, spirits, liquor, wine, high alcohol content beer, and every liquid containing alcohol, spirits, wine, and high alcohol content beer an capable of being consumed by a human being, other than patent medicine or beer, as defined in Tennessee Code Annotated, § 57-5-101(b), as the same may be amended, supplemented or replaced.

(2) "Wine" means the product of the normal alcoholic fermentation of the juice of fresh, sound, ripe grapes, as further defined by Tennessee Code

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<sup>1</sup>Municipal code reference

Drinking beer, etc., on streets, etc.: § 11-101.

Minors in beer places: § 11-102.

State law reference

Tennessee Code Annotated, title 57.

Annotated, §§ 57-3-101 and 57-3-802, as the same may be amended, supplemented or replaced. (1985 Code, § 2-101, as amended by Ord. #02-05, Aug. 2002, and replaced by Ord. #19-02, March 2019 ***Ch13\_10-13-20***)

**8-102. State law incorporated by reference; alcoholic beverages subject to regulation.** (1) Pursuant to Tennessee Code Annotated, title 57, subsequent amendments, and a referendum held pursuant thereto in City of Lewisburg, Tennessee on August 3, 1972 this chapter is enacted.

(2) The general provisions in the state law relating to intoxicating liquors as contained in Tennessee Code Annotated, title 57 are hereby adopted as a part of this chapter and, incorporated herein by reference as if fully set out herein.

(3) The various rules and regulations promulgated from time to time by the Tennessee Alcoholic Beverage Commission and the Department of Revenue of the State of Tennessee regarding the sale of alcoholic beverages herein defined are hereby adopted as part of this chapter.

(4) It shall be unlawful to engage in the business of selling, storing, transporting, or disturbing or to purchase or possess alcoholic beverages within the corporate limits of the City of Lewisburg, Tennessee, except in accordance with the provision of Tennessee Code Annotated, title 57 and as provided in this chapter.

(5) It shall be unlawful to make or allow any sale of liquor to be consumed on premise between the hours of 3:00 A.M. and 6:00 A.M. each and every day of the week including Sunday and, in addition, between the hours of 3:00 A.M. and 10:00 A.M. on Sunday. (1985 Code, § 2-102, as amended and renumbered by Ord. #19-02, March 2019 ***Ch13\_10-13-20***)

**8-103. Deleted.** (1985 Code, § 2-103, as renumbered by Ord. #19-02, March 2019 ***Ch13\_10-13-20***, and deleted by Ord. #21-06, July 2021 ***Ch14\_03-08-22***)

**8-104. Deleted.** (1985 Code, § 2-104, as renumbered by Ord. #19-02, March 2019 ***Ch13\_10-13-20***, and deleted by Ord. #21-06, July 2021 ***Ch14\_03-08-22***)

**8-105. Certificate of moral character.** Every applicant for a retail business license to sell alcoholic beverages in sealed packages for off premise consumption pursuant to Tennessee Code Annotated, § 57-3-204 or for a renewal of said license pursuant to Tennessee Code Annotated, § 57-3-213 shall make an application to city council, on forms provided by the city, for a certificate of moral character stating:

(1) That the applicant or applicants who are to be in actual charge of said business have not been convicted of a felony within a ten (10) year period immediately preceding the date of application and, if a corporation, that the

executive officers or those in control have not been convicted of a felony within a ten (10) year period immediately preceding the date of the application; and further, that in the official's opinion the applicant will not violate any of the provisions of this chapter.

(2) That the applicant or applicants have secured a location for said business which complies with all restrictions of any local law, ordinance or resolution, duly adopted by the local authorities as to location within the city and that the applicant or applicants meet all residency requirements, if any, established by such local authority; and

(3) That the applicant or applicants have complied with all local law, ordinance or resolution duly adopted by the local authorities regulating the number of retail licenses to be issued within the jurisdiction.

A nonrefundable five hundred dollar (\$500) investigation fee shall accompany each application for a certificate of moral character whether the application relates to the acquisition of an initial retail business license or to its renewal.

Every application for a certificate of moral character shall be referred to the city manager for investigation and to the city attorney for review, each of whom shall submit his findings to the city council within thirty (30) days of the date each application was filed. (1985 Code, § 2-105, modified, as replaced by Ord. #12-10, Nov. 2012, and amended by Ord. #17-05, July 2017, and Ord. #18-10, Oct. 2018, and renumbered by Ord. #19-02, March 2019 ***Ch13\_10-13-20***)

#### **8-106. Location and size restrictions on retail businesses.<sup>1</sup>**

(1) No certificate shall be granted to the operators of a retail store for the sale of alcoholic beverages except on premises zoned "central business," "intermediate business," or "industrial" within the provisions of the zoning ordinance of the City of Lewisburg. No certificate shall be issued for the operation of any such retail store to be located in closer proximity to any school, public or private, or any church, than two hundred fifty feet (250') measured from the retail store the aforesaid institutions or facilities by way of the shortest distance and straight line between same. Within the "central business" district, restaurants and food service establishments meeting the criteria in § 8-209(3)(a)(i) may be located within fifty feet (50') of the aforesaid institutions.

(2) No retail liquor store shall be closer than one thousand five hundred feet (1,500') feet to another retail liquor store measured as set forth above.

(3) Any retail liquor store authorized by this chapter shall contain a minimum floor space of 1000 square feet. (1985 Code, § 2-106, as renumbered by Ord. #19-02, March 2019 ***Ch13\_10-13-20***)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 57-3-208(b)(2) and (c).

**8-107. Limitation on number of retailers.**<sup>1</sup> No more than four (4) retail licenses for the sale of alcoholic beverages shall be issued under this chapter. (1985 Code, § 2-107, as renumbered by Ord. #19-02, March 2019 *Ch13\_10-13-20*)

**8-108. Inspection fee.**<sup>2</sup> The City of Lewisburg hereby imposes an inspection fee in the maximum amount allowed by Tennessee Code Annotated, § 57-3-501 on all licensed retailers of alcoholic beverages located within the corporate limits of the city. (1985 Code, § 2-108, modified, as renumbered by Ord. #19-02, March 2019 *Ch13\_10-13-20*)

**8-109. Bonds required.** All bonds required by this chapter shall be executed by a surety company, duly authorized to do business in Tennessee; bonds of retailers shall be two thousand five hundred dollars (\$2,500.00) conditioned that the principal thereof shall pay any fine which is assessed against such principal by any court of competent jurisdiction and/or taxes or inspection fees due from him to the City of Lewisburg.<sup>3</sup> (1985 Code, § 2-109, as renumbered by Ord. #19-02, March 2019 *Ch13\_10-13-20*)

**8-110. Violations.** Any violation of the provisions of this chapter shall constitute a misdemeanor and shall, upon conviction, be punishable by a fine under the general penalty clause for this municipal code. Upon conviction of any person under this chapter, it shall be mandatory for the city judge to immediately certify said conviction, whether on appeal or not, directly to the Tennessee Alcoholic Beverage Commission, together with a petition that all licenses be revoked, pursuant to the provisions of said commission. (as added by Ord. #19-02, March 2019 *Ch13\_10-13-20*)

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<sup>1</sup>State law reference  
Tennessee Code Annotated, § 57-3-208(c).

<sup>2</sup>State law reference  
Tennessee Code Annotated, § 57-3-501 through 57-3-504.

<sup>3</sup>State law reference  
Tennessee Code Annotated, § 57-3-209.

## CHAPTER 2

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

#### SECTION

- 8-201. Definitions
- 8-202. Beer lawful but subject to regulation.
- 8-203. Beer board established.
- 8-204. Meetings of the beer board.
- 8-205. Record of beer board proceeding to be kept.
- 8-206. Requirements for beer board quorum and action.
- 8-207. Powers and duties of the beer board.
- 8-208. Permit required for engaging in beer business.
- 8-209. Classes of beer permits.
- 8-210. Restrictions upon granting permits.
- 8-211. Application for retail permit; requirements as to applicants; regulations to be followed and shown in the application.
- 8-212. Beer permits shall be restrictive.
- 8-213. Permits not transferable.
- 8-214. Duration of permit.
- 8-215. Display of permit.
- 8-216. Interference with public health, safety, and morals prohibited.
- 8-217. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-218. Issuance of permits to hotels, clubs, etc.
- 8-219. Minor, fraudulent evidence of age, etc. misdemeanor.
- 8-220. Investigation of applicant, agent, and/or employees.
- 8-221. Prohibited conduct or activities by beer permit holders.
- 8-222. Suspension and revocation of beer permits.
- 8-223. Employees liable for violations of chapter.
- 8-224. Civil penalty in lieu of revocation or suspension.
- 8-225. Loss of clerk's certification for sale to minor.
- 8-226. Temporary permits.

**8-201. Definitions.** The following definitions are applicable to this chapter:

- (1) The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than

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<sup>1</sup>State law reference

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

such weight, volume, or alcoholic content as is allowed by the statutory laws of the State of Tennessee. (Tennessee Code Annotated, § 57-5-101)

(2) "Golf course" shall mean a public nine or eighteen (9 or 18) hole golf course.

(3) "Person" shall mean any citizen or legal alien of the United States, any partnership or association of persons all of whom are citizens or legal alien of the United States, and any corporation licensed to do business in the State of Tennessee.

(4) "Premises" shall be the interior of a building or structure including contiguous interior spaces which are not separated by a permanent solid wall from other portions of the building or structure under the same roof, and where applicable shall include the parking area adjacent to and servicing the premises and where applicable shall include a golf course.

(5) "High alcohol content beer" means an alcoholic beverage which is beer, ale or other malt beverage as further defined in Tennessee Code Annotated, § 57-3-101, that is brewed, regulated, distributed, or sold pursuant to Tennessee Code Annotated, title 57, chapter 3.

(6) "Licensee." A person, partnership or corporation who holds a beer permit issued by the City of Lewisburg.

(7) "Live performances" shall be deemed for the purpose of this chapter to mean any person who for consideration, monetary or otherwise, performs in person on a licensed premise as a singer, musician, dancer, comedian, or model.

(8) "Beer permit holder." Any person, partnership, or corporation who holds a permit from the City of Lewisburg for the sale of beer or other beverage of alcoholic content of not more than such weight, volume, or alcoholic content as is allowed by the statutory laws of the State of Tennessee. (Ord. #97-14, Sept. 1997, modified, as amended by Ord. #09-11, Dec. 2009, and by Ord. #19-02, March 2019 ***Ch13\_10-13-20***, and replaced by Ord. #22-41, Jan. 2023 ***Ch15\_06-28-23***)

**8-202. Beer lawful but subject to regulation.** It shall hereafter be lawful to transport, store, sell, distribute, possess, receive or manufacture beer of alcoholic content of not more than such weight, volume, or alcoholic content as is allowed by the statutory laws of the State of Tennessee, and any other beverages of like alcoholic content, within the corporate limits of the City of Lewisburg, subject to all of the regulations hereinafter provided, and subject to the rules and regulations promulgated by public officials or boards. (Ord. #97-14, Sept. 1997, as replaced by Ord. #22-41, Jan. 2023 ***Ch15\_06-28-23***)

**8-203. Beer board established.** There is hereby a beer board ("board") to be composed of three (3) members appointed by the mayor, each of whom shall serve until his successor is appointed. The mayor shall serve as ex officio member of the board but shall have no vote except in the case of a tie. All members of the board shall be residents of the city and shall receive such



compensation as is set from time to time by resolution of the city council. An annual organizational meeting of the board shall be held in July of each year and from its membership shall be elected a chairman and secretary (Ord. #97-14, Sept. 1997, as replaced by Ord. #22-41, Jan. 2023 ***Ch15\_06-28-23***)

**8-204. Meetings of the beer board.** All meetings of the board shall be open to the public. The board shall hold regular meetings in the city administration building at such time as it shall prescribe. When there is business to come before the board a special meeting may be called either by the chairman or by a majority of the members. Notice of the annual, regular, or special meetings shall be given to each of the board, parties in interest and the general public. (Ord. #97-14, Sept. 1997, as replaced by Ord. #22-41, Jan. 2023 ***Ch15\_06-28-23***)

**8-205. Record of beer board proceedings to be kept.** The chairman shall see that a record of the proceedings of all meetings of the board is kept. The record shall be a public record and shall contain at least the following: The date of each meeting; the names of the board members present and absent; the names of the members introduction and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of beer permit issued by the board. (Ord. #97-14, Sept. 1997, as replaced by Ord. #22-41, Jan. 2023 ***Ch15\_06-28-23***)

**8-206. Requirements for beer board quorum and action.** The attendance of at least a majority of the members of the board shall be required to constitute a quorum of the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nap" vote. (Ord. #97-14, Sept. 1997, as replaced by Ord. #22-41, Jan. 2023 ***Ch15\_06-28-23***)

**8-207. Powers and duties of the beer board.** The board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing (micro-breweries) of beer within this municipality in accordance with the provisions of this chapter. (Note: Manufacturers such as micro-breweries shall be subject to all health department regulations regarding the handling of ingredients and products for human consumption and be registered as a "manufacturer" or "wholesale distributor" according to Tennessee Code Annotated, § 57-5-102). (Ord. #97-14, Sept. 1997, modified, as replaced by Ord. #22-41, Jan. 2023 ***Ch15\_06-28-23***)

**8-208. Permit required for engaging in beer business.** No person shall engage in the storing, selling, distributing, or manufacturing of beer of alcoholic content of not more than such weight, volume, or alcoholic content as

is allowed by the statutory laws of the State of Tennessee, or other beverages of like alcoholic content, within the corporate limits of the City of Lewisburg, until he shall receive a permit to do so from the beer board of the City of Lewisburg, which permit shall at all times be subject to all of the limitations and restrictions herein provided, and provided further that the applicant shall certify that he has read and is familiar with the provisions of this chapter (Ord. #97-14, Sept. 1997, modified, as replaced by Ord. #22-41, Jan. 2023 ***Ch15\_06-28-23***)

**8-209. Classes of permits.** There shall be five (5) classes or kinds of permits used by the beer permit board as follows:

(1) **Manufacturers.** A manufacturer's permits to a manufacturer of beer, for the manufacture possession, storage, sale, distribution, and transportation of the product of the manufacturer which product may be consumed upon the premises of the manufacturer to the extent permitted by state law of general application.

(2) **Off-sale.** An "off-sale" permit to any person or legal organization engaged in the sale of beer where it is not to be consumed by the purchaser upon or near the premises of the seller.

(3) **On-sale.** An "on-sale" permit to any person or legal organization engaged in the sale of beer where it is to be consumed by the purchaser or his guests upon the premises of the seller and provided beer may also be sold in hotel rooms of regularly conducted hotels and in regularly incorporated clubs and lodges upon their obtaining the required permit.

(a) Anyone applying for or obtaining an on-sale permit may also sell beer to go so a patron may take beer with him purchased at such place after consuming beer. This will be known as a "joint permit and shall costs an additional two hundred fifty dollars (\$250.00) at the time the application is made, or at any subsequent time when it is sought to change the type of permit.

(b) No alcoholic beverage shall be consumed in the parking lot of any establishment possessing an on-sale permit, except that, with prior approval of the city's chief of police or his/her designee and the beer permit board, for special events no longer than three (3) consecutive calendar days, permittees may allow consumption of alcoholic beverages sold by the permittee within an area that is roped off or otherwise separated by a continuous fence or other type of barrier from the remaining portion of their parking lot, both ends of which terminate at the permittee's building, deck, porch, patio, and other such attached structure, and provided further, that such permittee provides for an adequate number of private security personnel, which may be employees of the permittee, identified by their clothing as security, to patrol the premises to prevent unlawful use or possession of alcoholic beverages and to enhance public safety.

(4) Special events permit. A "special events" permit is required to be issued to any nonprofit or bona fide political organization engaged in the sale of such beverages where they are to be consumed by the purchaser or his guests upon the premises of the seller. The special events permit will be issued for the fee of two hundred fifty dollars (\$250.00), after approval by the Lewisburg Police Department and the Lewisburg Beer Board. Prior notification must be made in writing thirty (30) days prior to the event with the organization holding the event and location where the event is to be held. Each permit will be issued for a specific date and a specific period of time. The specific period of time will not contradict any existing state or city ordinances. Nonprofit organizations may receive no more than four (4) special events permits during a calendar year.

(5) Caterer permit. A "catered" permit to any person or legal organization conducting a food and beverage catering business who or which has been previously issued a liquor by the drink certificate from the Tennessee Alcoholic Beverage Commission. The liquor by the drink certificate must be current and not expired or revoked at the time of application for the caterer permit. The caterer permit will be issued for the fee of two hundred fifty dollars (\$250.00), after approval by the Lewisburg Police Department and the Lewisburg Beer Board.

(6) With regard to any "on sale," "special event," beer permit application, or such beer permit issued, in connection with any event to be held or located at the in the downtown area or one block off the downtown area, the definition of "premises" (or permit "location") shall mean and include any closed and blocked off or barricade street contiguous to the downtown area or block off the are, as which has exclusive authority and jurisdiction pursuant to state law of general application to issue, suspend, revoke beer permits and to otherwise regulate the sale, distribution, manufacture, storage, and possession of beer, as defined in state law of general application, within the real property boundaries of the downtown area. It is the intent of this subsection that "beer trucks," "beer trailers," and "beer tents," owners, sellers, and distributions, that are located within any closed and blocked off or barricaded street contiguous to the downtown area, during an event being held in the downtown area, after having paid the application fee and being issued the appropriate permit, shall not be subject to having paid the application fee and being issued the appropriate permit, shall not be subject to revocation, suspension, or civil penalty, due to lawful consumers possessing, consuming, or carrying open containers of beer from the aforesaid beer trucks, trailers or tents, into the down town area. Any such application and/or issued permit shall specify the street name, and whether the permit is for a beer truck, trailer or tent, in addition to all other application and/or permit information otherwise required by state law of general application, this chapter of the city code, or by the beer board. (Ord. #97-14, Sept. 1997, as amended by Ord. #00-17, Feb. 2001, Ord. #02-01, May 2002, Ord. #02-05, Aug. 2002, Ord. #08-21, Jan. 2009, and Ord. #12-10, Nov. 2012, and replaced by Ord. #22-41, Jan. 2023 *Ch15\_06-28-23*)

**8-210. Restrictions upon granting permits.** (1) No permit shall be issued to sell any beverage coming within the provisions of this section:

(a) In violation of any provision of the state law.

(b) In violation of the zoning ordinance of the City of Lewisburg.

(2) The judgment of the beer board on such matters shall be final except as same is subject to review at law under Tennessee Code Annotated § 57-5-105. (Ord. #97-14, Sept. 1997, as replaced by Ord. #22-41, Jan. 2023 *Ch15\_06-28-23*)

**8-211. Application for retail permit: requirements as to applicants: regulations to be followed and shown in the application.**

(1) Each application for a beer permit shall reflect:

(a) The name of the applicant.

(b) The location of the premises at which the business shall be conducted.

(c) The owner or owners of such premises.

(d) The names and addresses of all other persons or firms who have any financial interest whatsoever in the beer business proposed to be established.

(e) Whether the applicant will operate the business in person or by agent and if by agent, the name and address of such agent.

(f) Type of permit requested.

(g) That the applicant will not engage in the sale of such beverages except at the place or places for which the beer board has issued a permit or permits to such applicant.

(h) That no sale of such beverages will be made except in accordance with the permit.

(i) That if the application is for a permit to sell "not for consumption on the premises" that no sale will be made for consumption on the premises that no consumption will be allowed on the premises thereof.

(2) The applicant must secure a certificate of compliance or a statement from the health department or health officer that the premises which the application covers meet the requirements of the municipal code in regard to sanitary restroom facilities.

(3) The application shall be submitted to the city administrator at least thirty (30) days prior to the beer board meeting at which it is to be considered. The administrator shall, within five (5) days after receipt of an application, notify each member of the beer board of such application.

(4) No permit shall be issued by the beer board until the application therefore shall have been to and approved in writing by the Lewisburg Police Department.

(5) The City of Lewisburg, prior to its consideration of an application to engage in the sale of beer under this section for consumption for on or off

premises, shall collect an application fee of two hundred fifty dollars (\$250.00) for use in offsetting the expenses of investigating the applicant. Regardless of whether an application is approved or denied, any portion of the fee collected in excess of that actually used in investigation shall become the property of the City of Lewisburg at the end of each calendar year, to be used at the discretion of the governing body, and the city shall not require periodic renewal of beer permits or licenses in conformity with Tennessee Code Annotated § 57-5-103.

(6) Privilege tax. There is hereby imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax of one hundred dollars (\$100.00) according to Tennessee Code Annotated § 57-5-104. Any firm, person, corporation, joint stock companies, syndicate or association engaged in. The privilege tax is is waived for temporary permits.

(7) A permit shall be valid for all decks, patios and other outdoor serving areas that are contiguous to the exterior of the building in which the building in which the business is located and that are owned and operated by the business. The distance should be measured from the edge of the patio, deck, or outside serving area. (Ord. #97-14, Sept. 1997, as replaced by Ord. #22-41, Jan. 2023, ***Ch15\_06-28-23***)

**8-212. Beer permits shall be restrictive.** All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail. Beer permits for the retail sale of beer may be further restricted by the beer board so as to authorize sales only for off premises consumption. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit.

It is understood that any permit for the sale of on premises consumption has the right to sell beer for off premises consumption, but that any permit for the sale of beer for off premises consumption may not sell beer for on premises consumption. (Ord. #97-14, Sept. 1997, modified, as amended by Ord. #01-03, May 2001, Ord. #02-05, Aug. 2002, Ord. #16-08, June 2016, Ord. #16-14, Aug. 2016, and Ord. #19-02, March 2019 ***Ch13\_10-13-20***, and replaced by Ord. #22-41, Jan. 2023 ***Ch15\_06-28-23***)

**8-213. Permits not transferable.** Beer permits shall not be transferable from one (1) person to another from one (1) location to another. A new permit is required in the manner provided herein. (Ord. #97-14, Sept. 1997, as replaced by Ord. #22-41, Jan. 2023 ***Ch15\_06-28-23***)

**8-214. Duration of permit.** Permits issued under the provisions of this chapter shall be issued until revoked or suspended, by change of location, sale of business, or otherwise goes out of business at the same location.

Nothing herein shall prevent a non-resident owner from presenting an application and having the same considered, so long as there is a responsible

resident manager, and so long as the other provisions of the law are complied with.

It is the legislative intent of this section to provide that, and to comply with state law that new managers of chain-type restaurants or grocery stores are not required to have a new permit and a new inspection fee each time that a manager is replaced. The same rules would apply to a resident owner who employees a qualified and responsible resident manager, so long as the other provisions of the state law and this chapter are complied with. (Ord. #97-14, Sept. 1997, as replaced by Ord. #22-41, Jan. 2023 ***Ch15\_06-28-23***)

**8-215. Display of permit.** The permit required by this chapter shall be posted in a conspicuous place on the premises of the permit holder, together with all other permits, licenses, and stamps as required by law. (Ord. #97-14, Sept. 1997, as replaced by Ord. #22-41, Jan. 2023 ***Ch15\_06-28-23***)

**8-216. Interfere with public health, safety, and morals prohibited.** No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals.

Prior to the issuance of such permit by the beer board any applicant for a beer permit under this section shall submit to an initial inspection by the city of the premises upon which the applicant is to operate in order to confirm compliance with all provisions of the Municipal Code of the City of Lewisburg, the current building code, and all ordinances of the City of Lewisburg. So long as a permit is to confirm continued compliance with such codes and ordinances. A violation thereof will subject the permit holder to review of permit with possible fine, citation or revocation of the beer permit by the beer board.

No outdoor sign, advertisement or display that advertises beer may be erected or maintained on the property nor in the window of the permit holder who is located on the public square of Lewisburg or within an area of one (1) block on all sides thereof.

A permit shall be valid for all decks, patios and other outdoor serving areas that are contiguous to the exterior of the building in which the building in which the business is located and that are owned and operated by the business. The distance should be measured from the edge of the patio, deck, or outside serving area. (Ord. #97-14, Sept. 1997, modified, as replaced by Ord. #22-41, Jan. 2023 ***Ch15\_06-28-23***)

**8-217. Issuance of permits to persons convicted of certain crimes prohibited.** (1) No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacturing, or transportation of intoxicating beverages or any crime involving moral turpitude within the past ten (10) years. It shall be the sole responsibility of the permit applicant to prove

to the satisfaction of the beer board that said applicant has not been convicted of the aforesaid offenses within the past ten (10) years.

(2) Permit holders who are convicted of any of the aforesaid offenses after having been issued a beer permit shall be obligated to report said conviction to the beer board. A hearing before the beer board shall be convened, at the beer board's discretion, to determine the effect such a conviction shall have on the status of the permit holder's permit. A conviction under this section shall constitute grounds for the immediate revocation of convicted permit holder's beer permit. (Tennessee Code Annotated, § 57-5-103 section (e)) Ord. #97-14, Sept. 1997, modified, as replaced by Ord. #22-41, Jan. 2023 *Ch15\_06-28-2023*)

**8-218. Issuance of permits to hotels, clubs, etc.** It shall be lawful for the beer board to issue a permit for the sale of any beverage coming within the provisions of this chapter, so hotels, motels, clubs, and lodges, subject to the limitations and restrictions contained in the state law, and the rules and regulations promulgated thereunder, and subject to all the limitations and restrictions contained in the permit provided by this chapter. (as added by Ord. #22-41, Jan. 2023 *Ch15\_06-28-23*)

**8-219. Minor, fraudulent evidence of age, etc. misdemeanor.** It shall be unlawful for any minor to purchase, attempt to purchase, or to possess any such beverage covered under this chapter, or for anyone to purchase such beverage for a minor. It shall be unlawful for any minor present to offer to any permittee, his agent, or employee, any written evidence of his age which is false, fraudulent, or not actually his own, for the purpose of purchasing or attempting to purchase such beverages. Any minor who acts in violation of any one (1) or more of the provisions of this section shall be taken before the juvenile judge for appropriate disposition. (as added by Ord. #22-41, Jan. 2023 *Ch15\_06-28-23*)

**8-220. Investigation of applicant, agent, and/or employees.** Applicants for retain permits under this section are subject to be investigated by municipal county, and state authorities. (as added by Ord. #22-41, Jan. 2023 *Ch15\_06-28-23*)

**8-221. Prohibited conduct or activities by beer permit holders.** It shall be unlawful for any beer permit holder, employee or any other person employed in the sale of beer to:

(1) Employ any person convicted for the possession, sale, manufacture, or transportation of intoxicating beverages, or any crime involving moral turpitude within the past ten (10) years unless such person is currently certified as a responsible vendor with the Tennessee Alcoholic Beverage Commission pursuant to the "Tennessee Responsible Vendor Act of 2006," Tennessee Code Annotated, § 57-5-601, et seq.

(2) Employ any minor under eighteen (18) years of age in the sale, service, or dispensing of beer at retail except in grocery stores where sales are made for off premise consumption.

(3) Make or allow any sale of beer between the hours of 3:00 A.M. and 6:00 A.M., during any day of the week or between the hours of 3:00 A.M. and 10:00 A.M. on Sunday.

(4) Allow any loud, unusual or obnoxious noises to emanate from his premises.

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

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

(7) Serve, sell or allow the consumption on his premises of any alcoholic beverage with an alcoholic content of more than such weight, volume, or alcoholic content as is allowed by the statutory laws of the State of Tennessee unless the permit holder is properly licensed to do so by the Tennessee Alcoholic Beverage Commission.

(8) Live performances - nudity prohibited. No live performances are permitted on licensed premises which involve the removal of clothing, garments or any other costumes. Such prohibition does not include the removal of headwear or footwear, sweater or similar outer garments. Incidental removal for purposes of this section shall mean the removal of a garment or article of clothing which is not a part of the act or performance. The restriction applies to all licensed premises.

(9) Entertainment restricted. No entertainment on a licensed premise shall contain:

(a) The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation of any sexual acts which are prohibited by law;

(b) The actual or simulated touching, caressing or fondling of the breast, buttocks, anus or genitals;

(c) The actual or simulated display of the pubic hair, anus, vulva or genitals; or the nipples of a female.

(10) Nudity prohibited. It shall be unlawful for any licensee, employee, agent of licensee patron or guest of licensee to:

(a) Appear with his or her genitals or pubic region less than completely covered by an opaque substance or material;

(b) Appear with his or her buttocks less than completely covered by an opaque substance or material; or

(c) Any female to appear with either or both of her breasts less than completely covered by an opaque substance or materials below the uppermost or highest part of the areola.

(11) Films and pictures restrictions. It shall be unlawful for any licensee, any employee, or agent to permit or allow the showing of film, still



pictures, electronic reproductions, or other visual reproductions, or other visual reproductions depicting:

(a) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law:

(b) Any person being touched, caressed, or fondled on the breasts, buttocks, anus or genitals;

(c) Scenes wherein a person displays the vulva, anus, or genitals; or

(d) Scenes wherein artificial devises or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above in (a) through (c).

(12) License revoked or suspended. Any licensee violating these sections shall have its license revoked or suspended as provided by this chapter.

(13) Penalty. Any licensee, employee, agent, or person violating these sections shall be guilty of a misdemeanor and punished in accordance with the penalty clause of the Municipal Code of the City of Lewisburg.

(14) Fail to provide and maintain separate sanitary toilet facilities for men and women or at least two (2) separate single use, uni-sex or gender-neutral toilet facilities marked accordingly and prominently. (as added by Ord. #22-41, Jan. 2023 **Ch15\_06-28-23**)

**8-222. Suspension and revocation of beer permit.** All permits issued by the beer board under the provisions of this chapter shall be subject to suspension or revocation by said board of the violation of any of the provisions of the state beer act or any of the provisions of this chapter.

Pursuant to Tennessee Code Annotated, § 57-5-608, the beer board shall not revoke or suspend the permit of a "responsible vendor" qualified under the requirements of Tennessee Code Annotated, § 57-5-606 for a clerk's illegal sale of beer to a minor if the clerk is properly certified and has attended annual meetings since the clerk's original certification, unless the vendor's status as a certified responsible vendor has been revoked by the alcoholic beverage commission. If the responsible vendor's certificate has been revoked, the vendor shall be punished by the beer board as if the vendor were not certified as a responsible vendor.

"Clerk" means any person working in a capacity to sell beer directly to consumers for off-premises consumption. Under Tennessee Code Annotated, § 57-5-608, the alcoholic beverage commission shall revoke a vendor's status as a responsible vendor upon notification by the beer board that the board has made a final determination that the vendor has sold beer to a minor for the second time in a consecutive twelve (12) month period. The revocation shall be for three (3) years.

Suspension or revocation proceedings may be initiated by the police chief or by any member of the beer board is vested with full and complete power to

investigate charges against any permit holder and to cite any permit holder to appear and show cause why his permit should not be suspended or revoked.

Complaints filed against any permit holder for the purpose of suspending or revoking such permits shall be made in writing and filed with the board. When the board shall have reason to believe that any permit holder shall have violated the provisions of the state beer act or any of the provisions of this chapter, the board is authorized to notify the permittee of said violations and to cite said permittee by written notice to appear and show cause why his permit should not be suspended or revoked for such violations. Said notice to appear and show cause shall state the alleged violations charged and shall be served upon the permittee either by registered letter or by a member of the Police Department of the City of Lewisburg. The notice shall be served upon the permittee at least five (5) days before the date of the hearing.

At the hearing the board shall publicly hear the evidence both in support of the charges and on behalf of the permittee. After such a hearing, if the charges are sustained by the evidence, the board may, in its discretion, suspend or revoke said permit. The action of the board in all such hearings shall be final, subject to review by the courts as provided in the state beer act. (Tennessee Code Annotated § 57-5-105) (as added by Ord. #22-41, Jan. 2023 *Ch15\_06-28-23*)

**8-223. Employees liable for violations of chapter.** Any employer of any permittee who violated the provisions of this chapter or any provision of the state beer act while so employed by such permittee shall be guilty of a misdemeanor. (as added by Ord. #22-41, Jan. 2023 *Ch15\_06-28-23*)

**8-224. Civil penalty in lieu of revocation or suspension.**

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

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

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

If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before

the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn.

Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the city may impose. (as added by Ord. #22-41, Jan. 2023 ***Ch15\_06-28-23***)

**8-225. Loss of clerk's certification for sale to minor.** If the beer board determines that a clerk of an off-premises beer permit holder certified under Tennessee Code Annotated, § 57-5-606, sold beer to a minor, the beer board shall report the name of the clerk to the clerk to the alcoholic beverage commission within fifteen (15) days of determination of the sale. The certification of the clerk shall be invalid, and the clerk may not reapply for a new certificate for a period of one (1) year from the date of the beer board's determination. (as added by Ord. #22-41, Jan. 2023 ***Ch15\_06-28-23***)

**8-226. Temporary permits.** Temporary beer permits may be issued to any bona fide charitable or non-profit organization as defined by the United States Internal Revenue, an organization that has applied for non-profit status or bona fide political organization as defined by the United States Internal Revenue Code as may be amended from time to time, and recognized as such by the United States Internal Revenue Service, upon proper permit obtained from the city, may be permitted to sell or otherwise distribute beer, and event center at the request of an applicant upon the same terms and conditions governing permanent permits and in conjunction with any other lawfully required permit from the City of Lewisburg. Special event temporary permits shall be issued as single event permits as covered in § 8-209 of this code. It is further provided that any such non-profit organization does not share or otherwise provide any proceeds from any such sales to any other for-profit individual, business, organization, or entity.

If the events covered by a temporary permit will be held on land not owned by the applicant, a written statement of approval from the landowner must accompany the temporary permit application.

Notwithstanding, § 8-216 of the Lewisburg Municipal Code, the beer board is authorized to place any and all restrictions it deems necessary on temporary permits, including but not limited restricted hours of sale and limitations on the number of sale locations/stations or other time, place, manner restrictions as deemed proper in consideration of minimum traffic interruption, public safety, health, welfare, convenience, peace or order. The following provisions shall also apply to temporary permit holders:

- (a) A temporary permit is valid for forty-eight (48) consecutive hours and a temporary permit holder shall not have more than four (4) temporary permits in a year.

(b) A temporary permit holder shall be prohibited from making or allowing any sale of beer between the hours of 10:00 P.M. and 10:00 A.M any day of the week.

(c) Temporary permits may be issued to applicants who intend to operate in a place that is temporary in nature.

(d) A temporary permit holder shall not be subject to the annual privilege tax. There is hereby imposed an application fee of two hundred and fifty dollars (\$250.00) for applying for a temporary permit and all other provisions of § 8-210 governing the issuance of a permit shall apply.

(e) The application for a temporary beer permit shall set forth the following information:

(i) The name, address, and telephone number of the chairperson of the charitable or nonprofit organization seeking a temporary beer permit;

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

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

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

(v) The proposed location for beer sales.

(f) Applicants for a temporary beer permit must apply thirty (30) days prior to the event. (as added by Ord. #22-41, Jan. 2023 *Ch15\_06-28-23*)

### CHAPTER 3

#### PRIVILEGE TAX AND ALCOHOLIC BEVERAGES<sup>1</sup>

#### SECTION

8-301. Tax levied.

8-302. Remittance to city treasurer.

**8-301. Tax levied.** The following taxes are levied and to be paid annually to wit:

1.	Private club . . . . .	\$ 300.00
2.	Hotel and motel . . . . .	1,000.00
3.	Convention center . . . . .	500.00
4.	Premiere type tourist resort . . . . .	1,500.00
5.	Restaurant, according to seating capacity, on licensed premises:	
	a. 75-125 seats . . . . .	600.00
	b. 126-175 seats . . . . .	750.00
	c. 176-225 seats . . . . .	800.00
	d. 226-275 seats . . . . .	900.00
	e. 276 seats and over . . . . .	1,000.00
6.	Historic performing arts center . . . . .	300.00
7.	Urban park center . . . . .	500.00
8.	Commercial passenger boat company . . . . .	750.00
9.	Historic mansion house site . . . . .	300.00
10.	Historic interpretive center . . . . .	300.00
11.	Community theater . . . . .	300.00
12.	Zoological institution . . . . .	300.00
13.	Museum . . . . .	300.00
14.	Establishment in a terminal building of a commercial air carrier airport . . . . .	1,000.00
15.	Commercial airline travel club . . . . .	500.00

(as added by Ord. #00-18, Feb. 2001)

**8-302. Remittance to city treasurer.** The tax hereby levied shall be remitted by all operators of establishments subject to this tax to the Treasurer of the City of Lewisburg, Tennessee. (as added by Ord. #00-18, Feb. 2001)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 57-4-301.

## CHAPTER 4

### USE AND SAME OF ALCOHOLIC BEVERAGE IN PARK

#### SECTION

- 8-401. Use or sale of alcoholic beverages in city parks; ejection.
- 8-402. Citation; city court adjudication; assessment of civil fine.
- 8-403. Use or sale of alcoholic beverages permitted in certain parks.
- 4-404. Use or sale of alcoholic beverages by the city department of parks and recreation and municipal golf courses.
- 8-405. Possession, use, sale, and distribution of alcoholic beverages by private individuals, organizations, or entities.

#### **8-401. Use or sale of alcoholic beverages in city parks; ejection.**

It shall be unlawful for any person, organization, association, or entity to possess, use, consume, sell, distribute, or otherwise provide any alcoholic beverage while upon, on, or inside the boundary of any city park or recreational center or facility, except may otherwise be provided in this chapter. Any person, organization, association, or entity in violation of this chapter, or other state laws of general application, or local ordinances, may be required to leave the premises by any employee of the city department of parks and recreation, or by any city employed security officer, and ejected and removed from the premises by any city law enforcement officer. It shall be unlawful, a trespass, and a violation of this section, for any person, organization, association, or entity to refuse to leave the premises upon request by any employee of the city department of parks and recreation, or by any city employed security officer, or city law enforcement officer. (as added by Ord. #22-39, Jan. 2023 *Ch15\_06-28-23*)

#### **8-402. Citation; city court adjudication; assessment of civil fine.**

Any city law enforcement officer or city employed security officer, is hereby empowered to issue a citation to any person for any violation of any of the provisions of this chapter. Citations issued for violation of any of the provisions of this chapter shall be tried in the city court. The city court judge shall determine whether a violation has occurred and shall assess a civil monetary fine as penalty against any person convicted of violating any of the provisions of this chapter, said fine to be in an amount of one hundred dollars (\$100.00) for each violation. (as added by Ord. #22-39, Jan. 2023 *Ch15\_06-28-23*)

**8-403. Use or sale of alcoholic beverages permitted in certain parks.** Notwithstanding the provisions of § 8-401 above, the possession, use, consumption, sale, distribution, or provision of alcoholic beverages shall be permitted at the following city public parks upon proper permit application and approval by the city, subject to the provisions and requirements and in manner

not otherwise inconsistent with state law of general application and other local ordinances and the provisions of this chapter, and further subject to rules, regulations and procedures pertaining to same as may be adopted from time to time by the city:

- (1) Rock Creek Park
- (2) Public Square Park
- (3) Lewisburg Recreation Center
- (4) Jones Park
- (5) Southside Adult Softball Fields. (as added by Ord. #22-39, Jan. 2023 *Ch15\_06-28-23*)

**4-404. Use or sale of alcoholic beverages by the city department of parks and recreation and municipal golf courses.** The department of parks and recreation, and all city-owned municipal golf courses, shall have authority to sell, distribute or otherwise provide alcoholic beverages at the city parks or recreation facilities designed in § 8-403, subject to and in accordance with the provisions and requirements of state law or general application and other local ordinances. The department shall establish rules regulations and procedures governing same, to include the acquisition, storage, safekeeping, and inventory of stock, and accounting for the receipts and expenditures related to the sale, distribution, or provision of alcoholic beverages, and establishing prices for sales of same, which shall be subject to approval of the parks and recreation committee of the city council. The department of parks and recreation is authorized and empowered to take whatever steps or action is or may be required, to include obtaining any necessary licenses or permits, to carry out the provisions of this section. (as added by Ord. #22-39, Jan. 2023 *Ch15\_06-28-23*)

**8-405. Possession, use, sale, and distribution of alcoholic beverages by private individuals, organizations, or entities.**

(1) Notwithstanding any other provision to the contrary in this chapter, the city shall have authority to permit private individuals, organizations or entities who have gone through the proper permitting and approval process to consume, distribute, sale or otherwise provide alcoholic beverages at the above-noted parks subject to and in accordance with the provisions, requirements, prohibitions, and restrictions of local, state, and federal law of general application and other local ordinances pertaining to same. The city shall establish rules regulations and procedures governing same which shall be subject to approval by the city.

(2) Individuals, organizations, or entities who desire to sell alcoholic beverages or otherwise charge a fee in any manner for the use or consumption of alcoholic beverages on said premises during the time they have rented or reserved city facilities same shall be required to use the services and alcoholic beverage stock of either the city department of parks and recreation, or the services and alcoholic beverage stock of a caterer or other vendor approved by

the department of parks and recreation who meet all requirements of state law and local ordinances, to include any necessary licenses and permits. The department shall establish rules, regulations and procedures governing same which shall be subject to approval of the parks and recreation committee and the city council. This shall not be required if the city does not have this in place or the city waives the requirement in writing.

(3) As an exception to subsection (2) above, any bona fide charitable or non-profit organization as defined by the United States Internal Revenue, an organization that has applied for non-profit status or bona fide political organization as defined by the United States Internal Revenue Code as may be amended from time to time, and recognized as such by the United States Internal Revenue Service, upon proper permit obtained from the city, may be permitted to sell or otherwise distribute beer, as defined by state law of general application and as may be amended from time to time, using their own stock and staff, subject to and in accordance with the provisions, requirements, prohibitions, and restrictions of state law of general application, and other local ordinances pertaining to same, and provided further that any such non-profit organization does not share or otherwise provide any proceeds from any such sales to any other for-profit individual, business, organization, or entity. No non-profit organization may be issue more than one (1) permit during any thirty (30) day period, and no more than four (4) permits during any calendar year. No permit granted by the city to one (1) non-profit organization may be used by any other non-profit organization or any other individual, business, organization, or entity. Approved permits may not exceed forty-eight (48) hours in duration and must be consecutive. The specific area where alcohol sales take place must be located within a demarcated area separated from patrons by a suitable barrier, and the area supervised by a responsible adult of at least twenty-one (21) years of age, to prevent unauthorized possession of any alcoholic beverages by underage individuals. The city shall establish rules, regulations and procedures governing same which shall be subject to approval of the city. Thirty (30) days' notice is required by the beer board for a temporary permit.

(4) Thirty (30) days' notice must be given to reserve any of the parks.

(5) Last call for alcohol must be made by 9:00 P.M. and all alcohol must be off the premises by 10:00 P.M.

(6) Wristbands are required for anyone being served alcohol and alcohol must remain in the designated area as marked by signage and/or fencing.

(7) Notwithstanding any other provision to the contrary in this chapter any private individuals may possess, use, or consume alcoholic beverages, and may distribute or otherwise provide alcoholic beverages, without charge, to others, subject to and in accordance with the provisions, requirements, prohibitions, and restrictions of state law of general application, and other local ordinances pertaining to same, while on or within the property line boundaries of any city-owned municipal golf course, or while on any and may possess



unopened containers of alcoholic beverages while ingressing, egressing, or otherwise through the golf course but they shall not be visible anywhere but the golf course. (as added by Ord. #22-39, Jan. 2023 ***Ch15\_06-28-23***)

## **TITLE 9**

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

#### **CHAPTER**

1. TRANSIENT DEALERS.
2. CHARITABLE SOLICITORS.
3. ROADBLOCKS, ETC. ON STREETS.
4. TAXICABS.
5. GAME ROOMS.
6. TRAVELING SHOWS AND SIMILAR ENTERTAINMENT.
7. SELF SERVICE CAR WASHES.
8. CABLE TELEVISION SYSTEM.
9. YARD SALES.

#### **CHAPTER 1**

### **TRANSIENT DEALERS<sup>2</sup>**

#### **SECTION**

- 9-101. Definitions.
- 9-102. Permit required.
- 9-103. Exemptions.
- 9-104. Application for permit.
- 9-105. Issuance or refusal of permit.
- 9-106. Appeal.
- 9-107. Bond.
- 9-108. Loud noises and speaking devices.
- 9-109. Use of streets.
- 9-110. Exhibition of permit.
- 9-111. Policemen to enforce.
- 9-112. Revocation or suspension of permit.

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<sup>1</sup>Municipal code references

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

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Privilege tax: title 5.

Zoning: title 14.

<sup>2</sup>Municipal code reference

Privilege tax: title 5.

9-113. Reapplication.

9-114. Expiration and renewal of permit.

**9-101. Definitions.** The following definitions are applicable to this chapter:

(1) "Merchandise" means any consumer item or goods that is or is represented to be new or not previously owned by a consumer.

(2) "Temporary premises" means any public or quasi-public place, including but not limited to a hotel, motel, storeroom, out building, tent, vacant lot, warehouse, railroad car or motor vehicle, temporarily occupied and/or used in any manner for the purpose of exhibiting and/or selling merchandise to the public. Premises are not considered temporary if the same person has conducted business at those premises for more than six (6) consecutive months or has occupied the premises as his or her permanent residence for more than six (6) consecutive months.

(3) "Transitory dealer" means any person who brings into a temporary premises and exhibits to the public merchandise for the purpose of selling or offering to sell such merchandise to the public.

(4) "Person" means an individual, partnership or corporation.

(5) "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. (1985, Code, § 5-101, as amended by Ord. #13-03, July 2013)

**9-102. Permit required.** It shall be unlawful for any transient dealer or solicitor to ply his trade within the corporate limits without first obtaining a permit therefore in compliance with the provisions of this chapter. No permit shall be used at any time by any person other than the one to whom it is issued. (1985 Code, § 5-102, as replaced by Ord. #13-03, July 2013)

**9-103. Exemptions.** Chapter shall not be applicable to:

(1) Persons selling at wholesale to retail merchants.

(2) Arts and craft fairs, and other fairs and festivals conducted primarily for amusement and entertainment.

(3) Wholesale trade shows wherein there are no sales made to retail customers, and all purchases, if any, are made by licensed retail merchants.

(4) A person operating a permanent business but occupying a temporary premises and thereon prominently displays the business name and address.

(5) Yard sales. (1985 Code, § 5-103, as replaced by Ord. #13-03, July 2013)

**9-104. Application for permit.** Applications for a permit must be made at least fourteen (14) days prior to exhibiting or offering for sale any merchandise. Applicants for a permit must file with the city manager a sworn written application containing the following:

- (1) Name and social security number.
- (2) Permanent address.
- (3) Local address of applicant.
- (4) Address of temporary premises.
- (5) Brief description of nature of business and merchandise to be sold.
- (6) Dates and times during which business will be conducted.
- (7) Description of motor vehicle, state of registration and license number.
- (8) Name and address of employer, if any.
- (9) Criminal record, if any.
- (10) The last three (3) cities or towns, if that many, where applicant carried on business immediately preceding the date of application and, in the case of transient merchants, the addresses from which such business was conducted in those municipalities.
- (11) Names and address of those who will conduct business of applicant.
- (12) Name and address of true owner of merchandise if applicant is not true owner.
- (13) Statement of gross sales from business conducted in the City of Lewisburg for three (3) years immediately preceding the application and estimate of gross receipts to be received from business conducted in the City of Lewisburg for the first year subsequent to the application.
- (14) If a corporation, a copy of certificate from the Secretary of State of Tennessee showing that it is qualified to do business in the State of Tennessee and the names and address of agent for service of process.
- (15) A recent photograph of applicant.
- (16) At the time of filing of the application, a non-refundable fee of fifty five dollars (\$55.00) shall be paid to the city to cover the cost of investigating the facts stated therein. (1985 Code, § 5-104, as amended by Ord. #17-07, July 2017, and Ord. #20-07, Aug. 2020 ***Ch13\_10-13-20***)

**9-105. Issuance or refusal of permit.** (1) Each application shall be referred to the chief of police for investigation. The chief shall report his findings to the city manager within seventy-two (72) hours.

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

(3) If, on the other hand, the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory the city manager shall issue a permit upon the payment of all applicable privilege taxes

and the filing of the bond required by § 9-107. The city manager shall keep a permanent record of all permits issued. (1985 Code, § 5-105)

**9-106. Appeal.** Any person aggrieved by the action of the city manager in the denial of a permit shall have the right to appeal to the city council. Such appeal shall be taken by filing with the city manager within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The city manager shall set a time and place for a hearing on such appeal and notice of the time and place of hearing shall be given to the appellant. The notice shall be in writing and shall be mailed, postage prepaid, to the applicant at his last known address at least five (5) days prior to the date set for hearing, or shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (1985 Code, § 5-106)

**9-107. Bond.** Every permittee shall file with the city recorder a surety bond running to the city in the amount of five thousand dollars (\$5,000.00). The bond shall be conditioned that the permittee shall comply fully with all the provisions of the ordinances of the city and the statutes of the state regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants, or itinerant vendors, as the case may be, and shall guarantee to any citizen of the city that all money paid as a down payment will be accounted for and applied according to the representations of the permittee, and further guaranteeing to any citizen of the city doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given, but the surety may, by paying, pursuant to order of the court, the face amount of the bond to the clerk of the court in which the suit is commenced, be relieved without costs of all further liability. (1985 Code, § 5-107, as replaced by Ord. #17-07, July 2017)

**9-108. Loud noises and speaking devices.** No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell, or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks, or other public places of the city or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares, or merchandise which such permittee proposes to sell. (1985 Code, § 5-108)

**9-109. Use of streets.** No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets. For the purpose of this chapter, the judgment of a police officer,

exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (1985 Code, § 5-109)

**9-110. Exhibition of permit.** Permittees are required to exhibit their permits at the temporary premises so as to be visible to the public. (1985 Code, § 5-110)

**9-111. Policemen to enforce.** It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (1985 Code, § 5-111)

**9-112. Revocation or suspension of permit.** (1) Permits issued under the provisions of this chapter may be revoked by the city council after notice and hearing, for any of the following causes:

(a) Fraud, misrepresentation, or incorrect statement contained in the application for permit or made in the course of carrying on the business of a transient dealer.

(b) Any violation of this chapter.

(c) Conviction of any crime or misdemeanor.

(d) Conducting the business of a transient dealer in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

(2) Notice of the hearing for revocation of a permit shall be given by the city recorder in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed to the permittee at his last known address at least five (5) days prior to the date set for hearing or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing.

(3) When reasonably necessary in the public interest the city manager may suspend a permit pending the revocation hearing. (1985 Code, § 5-112)

**9-113. Reapplication.** No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (1985 Code, § 5-113)

**9-114. Expiration and renewal of permit.** Permits issued under the provisions of this chapter shall expire fourteen (14) days from the date issued. An application for a renewal shall be made substantially in the same form as the original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed. (1985 Code, § 5-114, as replaced by Ord. #17-07, July 2017)

## CHAPTER 2

### CHARITABLE SOLICITORS

#### SECTION

9-201. Authorization.

**9-201. Authorization.** The city council may from time to time by resolution fix guidelines and/or regulations for charitable solicitors. (1985 Code, § 5-201)

## CHAPTER 3

### ROADBLOCKS, ETC. ON STREETS<sup>1</sup>

#### SECTION

9-301. Definitions.

9-302. Persons authorized to establish a road block.

9-303. Restricted activities.

9-304. Liability.

9-305. Violation and penalty.

**9-301. Definitions.** As used in this chapter:

(1) "National recognized organization" must be a 501(C)3 entity pursuant to the federal tax code, and includes charities, fraternal organizations, civic clubs, etc. which have a national recognition, authorized by the laws of the United States, chartered by federal law and have a local presence in Lewisburg.

(2) "Person" means any person or group acting individually or in concert.

(3) "Roadblock" means any activity by one or more persons which obstructs or slows traffic and includes, but not limited to, a person standing on a street in such a position or moving to a position that when a vehicle stops for a traffic signal, such person can talk to the driver or any passenger for the purpose of selling or promoting the sale of anything or soliciting a contribution or gift of any kind.

(4) "Sign" means any type of display, sign, placard, signal or other device which advertises any activity and is not an official traffic control device or directional sign.

(5) "Square" means the portion of West Commerce, Church Street and First and Second Avenues North adjacent to the Marshall County Courthouse, commonly known as the "Square."

(6) "Street" means any highway, street, alley or public right-of-way, except the Square. (Ord. #98-05, Nov. 1998, as amended by Ord. #09-08, Aug. 2009)

**9-302. Persons authorized to establish a roadblock.** (1) Persons representing a national recognized organization may establish a roadblock on the Square for the purpose of selling or promoting the sale of anything or soliciting a contribution or gift for the national recognized organization, provided:

(a) Persons participating in the roadblock are eighteen (18) years or older;

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 39-17-307.



(b) Person in charge of roadblock applies for a permit from the Lewisburg Police Department at least ten (10) days before the establishment of a roadblock; person in charge must maintain a copy of permit and produce the same upon request during the roadblock. Person in charge will be furnished with a copy of this ordinance and must read and sign the same prior to issuance of a permit.

(c) Persons participating in the roadblock remove all signs or other displays upon completion of the roadblock;

(d) Person in charge of roadblock, or his designee, shall be present throughout the time of the roadblock.

(e) Collectors at roadblock shall be limited to two (2) people per roadway or four (4) people per intersection.

(f) Organizations may utilize roadblocks two (2) times per year.

(g) Roadblocks shall not exceed five (5) hours from start to finish.

(2) No person, except one with a permit representing a national recognized organization, law enforcement officer, fireman or one with authority to control traffic and the use of a street, shall establish a roadblock on any street. (Ord. #98-05, Nov. 1998, modified, as amended by Ord. #09-08, Aug. 2009)

**9-303. Restricted activities.** (1) No person without a permit shall be on a street:

(a) To solicit gifts or contributions or cause the solicitation of gifts or contributions;

(b) To sell, offer to sell or cause the selling or offering to sell any goods, whether the sale of such goods occurs on a street or off a street;

(c) To promote or advertise any activity; and

(d) To place a sign on a street to advertise or promote any activity.

(2) No person shall disobey an order to move or remove a sign issued by a person who is a law enforcement officer, firefighter, public works employee, or person with authority to control traffic on a street or to maintain public safety on a street. (Ord. #98-05, Nov. 1998, modified)

**9-304. Liability.** Any person violating any provision of this chapter shall be liable for any accident or other occurrence arising from the illegal use of a street and no liability shall attach to the city, its officials and any member of the Lewisburg Police Department. (Ord. #98-05, Nov. 1998)

**9-305. Violation and penalty.** Any person violating this chapter shall be subject to a penalty not to exceed five hundred dollars (\$500.00) and each day of violation constitutes a separate and distinct violation, subject to a penalty not in excess of five hundred dollars (\$500.00) plus court costs. (Ord. #98-05, Nov. 1998)

## CHAPTER 4

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

#### SECTION

- 9-401. Definition.
- 9-402. Business license.
- 9-403. Taxicab license.
- 9-404. Character of applicant.
- 9-405. Fee.
- 9-406. Tag or sticker.
- 9-407. Vehicles.
- 9-408. Drivers.
- 9-409. Use of alcohol and drugs prohibited.
- 9-410. Insurance.
- 9-411. Traffic rules.
- 9-412. Unlawful use.
- 9-413. Passengers.
- 9-414. Violation.

**9-401. Definition.** The term "taxicab" as used in this chapter shall mean and include every motor vehicle designed and/or constructed to accommodate and transport passengers, not more than five (5) in number, exclusive of driver, and fitted with taximeters and/or using or having some other device, method or system to indicate and determine the passenger fare charged for distance travel or which as defined in Tennessee Code Annotated, § 65-15-103(10), or as hereinafter amended. (1985 Code, § 5-301)

**9-402. Business license.** It shall be unlawful to engage in the taxicab business in the City of Lewisburg without first having secured a business license for such business. (1985 Code, § 5-302)

**9-403. Taxicab license.** Every person engaged in the taxicab business in the City of Lewisburg first obtain a taxicab license from the City of Lewisburg. Applications for such license shall be made in writing to the City of Lewisburg and shall state the name and address of the applicant, the place of business and the number of cabs to be operated. If the applicant is a corporation, the names and addresses of the president and secretary shall be given. Applications shall be on such form as the City of Lewisburg may prescribe. (1985 Code, § 5-303)

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

**9-404. Character of applicant.** No taxicab license shall be issued to or held by any person who is not of good character or who has been convicted of a felony within the last 5 years immediately preceding; nor shall such license be issued to or held by any corporation if any officer thereof would be ineligible for a license under the foregoing conditions (1985 Code, § 5-304)

**9-405. Fee.** The annual fee payable in advance, for such license, shall be \$10.00 plus \$10.00 for each taxicab operated. Whenever the number of taxicabs so operated increases during the license year, the licensee shall notify the clerk of such change and shall pay \$5.00 per additional cab. If the number of cabs so operated decreases during the license year, the licensee shall not be entitled to a refund. This fee shall be for the purpose of reimbursing the city for administrative cost in administering this chapter. (1985 Code, § 5-305)

**9-406. Tag or sticker.** The City of Lewisburg shall issue a tag, sticker, placard or other document which shall be displayed in a prominent place in or on each taxicab while it is in use, and may be transferred to any taxicab put into service to replace one withdrawn from service. The licensee shall notify the City of Lewisburg of the vehicle VIN number and state license number of each taxicab operated and of the corresponding city license number. (1985 Code, § 5-306)

**9-407. Vehicles.** (1) No taxicab shall operate unless it bears a proper Tennessee license plate and additional fees required by Tennessee Code Annotated, § 55-4-112 have been paid;

(2) No taxicab shall be operated unless it is equipped with proper brakes, lights, tires, horn, muffler, rear vision mirror, and windshield wipers in good condition and have painted on it its seating capacity as required, by Tennessee Code Annotated, § 55-4-112(c). It shall be the duty of the chief of police to inspect every taxicab so often as may be necessary to see to the enforcement of the provisions of this section.

(3) Each taxicab, while being operated, shall have such insignia, logo, lettering, or marking to identify it as a taxicab from a distance of 50 feet. If more than one (1) cab is operated by a licensee, each cab shall be designated by a different number. (1985 Code, § 5-307)

**9-408. Drivers.** No person shall drive a taxicab or be hired or permitted to unless he is duly licensed by Tennessee law to carry passengers for hire and have in his possession no less than a Class D driver's license with a "for hire endorsement" displayed thereon, issued by the Department of Safety of the State of Tennessee. (1985 Code, § 5-308)

**9-409. Use of alcohol and drugs prohibited.** It shall be unlawful for any driver of a taxicab while on duty to drink any alcohol or consume any drug or have in his possession alcohol or any drug unless the alcohol or drug is

prescribed by a physician licensed to practice in the State of Tennessee and the driver has in his possession proof of such prescription. (1985 Code, § 5-309)

**9-410. Insurance.** No taxicab shall be operated unless it is covered by a public liability insurance policy in the amount of \$25,000/50,000/10,000. (1985 Code, § 5-310)

**9-411. Traffic rules.** It shall be the duty of every taxicab driver to obey all traffic laws and rules established by statute or ordinance. (1985 Code, § 5-311)

**9-412. Unlawful use.** It shall be unlawful to knowingly permit any taxicab to be used in the violation of any law, felony or misdemeanor, or ordinance of the City of Lewisburg. (1985 Code, § 5-312)

**9-413. Passengers.** It shall be the duty of the driver of any taxicab to accept as a passenger any person who seeks to use the taxicab, provided such person is not intoxicated or under the influence of drugs and conducts himself in an orderly manner. Further, it shall be the duty of the driver of any taxicab to prevent, to the best of his ability, the consumption of alcohol or drugs by a person who is a passenger in the taxicab. No person shall be admitted to a taxicab occupied by a passenger without consent of the passenger.

The taxicab driver shall take his passenger to his destination by the most direct available route from the place where the passenger enters the cab. (1985 Code, § 5-313)

**9-414. Violation.** Any person violating any provision of this chapter may be summoned to appear in city court to answer charges of such violation. If the city judge of the city court determines that such person has violated this chapter, the city judge has the authority to suspend or terminate the taxicab license and penalize such person not more than five hundred dollars (\$500.00) for each violation. (1985 Code, § 5-314)

## CHAPTER 5

### GAME ROOMS<sup>1</sup>

#### SECTION

- 9-501. Definitions.
- 9-502. Permit required.
- 9-503. Permit application.
- 9-504. Fees.
- 9-505. Premises design.
- 9-506. Permit issuance or refusal.
- 9-507. Appeal.
- 9-508. Posting permit.
- 9-509. Police enforcement.
- 9-510. Permit revocation or suspension.
- 9-511. Hours of operation.
- 9-512. Minors.
- 9-513. Activities not permitted.
- 9-514. Re-application.
- 9-515. Permit expiration and renewal.
- 9-516. Penalty.

**9-501. Definitions.** The following definitions are applicable to this chapter:

(1) "Game" means any amusement machine, video or device operated by means of insertion of a coin, token, or similar object or pool or billiard tables, for the purpose of amusement or skill and for the playing of which a fee is charged. The term does not include vending machines in which are not incorporated gaming or amusement features, nor does the term include any coin-operated mechanical musical device.

(2) "Game room" means any place where games are displayed for use by the public and fees from the use or play of the games are the primary source of income to the permittee, whether or not another business is conducted on the premises.

(3) "Operator" means the person who manages controls or supervises the game room.

(4) "Permittee" is the person to whom the permit is issued.

(5) "Person" means any person, firm, corporation, partnership or association.

(6) "Premises" means the interior of a building or structure including interior contiguous spaces which are not separated by a permanent solid wall

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

from other interior portions of the building or structure under the same roof, and where applicable includes the parking area adjacent to and servicing the building or structure.

(7) "Proprietor" means any person who as the owner, lessee, proprietor has under his control a game room.

(8) "Video" means any game using computer technology and a type of video display. (1985 Code, § 5-401)

**9-502. Permit required.** No person shall engage in the business of an operator without first obtaining a permit which is non-assignable and non-transferable and shall apply only to the premises to which the permit is issued. No permit shall be used by any person other than the person who applied for and to whom it was issued. (1985 Code, § 5-402)

**9-503. Permit application.** A sworn to written application for a permit to open and operate a game room must be submitted to the city manager at least fourteen (14) days prior to opening a game room and contain the following:

- (1) Name and social security (Federal ID number) of applicant.
- (2) Applicant's permanent and local address, if different.
- (3) Address of premises.
- (4) Name and address of operator of game room.
- (5) Name and address of proprietor if different from operator.
- (6) Name and address of person owning game room premises if operator or proprietor is not owner.
- (7) Criminal record, if any, of applicant, operator, proprietor or owner of premises of game room.

If any person named in the application is a corporation, a certificate of existence from the Secretary of State of the State of Tennessee and the name and address of registered agent must be submitted with the application. If any person is a natural person, a recent photograph must be submitted with the application. (1985 Code, § 5-403)

**9-504. Fees.** A non-refundable fee of \$25.00 shall accompany each application and a non-refundable fee of \$10.00 shall accompany each renewal application, said fees to be used by the city for processing the applications. (1985 Code, § 5-404)

**9-505. Premises design.** Premises shall be of such design that the interior can easily be seen from the exterior and no curtains, drapes, shades, blinds, or other thing shall be used to hinder a clear and unobstructed view of the interior of the premises from the exterior and shall have adequate and separate toilet facilities for men and women. The city manager shall approve the design of the premises prior to issuing a permit. (1985 Code, § 5-405)

**9-506. Permit issuance or refusal.** Each application shall be submitted to the chief of police for investigation who shall report his findings to the city manager within 72 hours. If as a result of such investigation, the chief of police reports the applicant's moral reputation and/or business responsibility to be unsatisfactory, the city manager shall notify the applicant that his application is disapproved and no permit will be issued. If, on the other hand, the chief of police reports the moral application and business responsibility of the applicant are satisfactory, and all other requirements have been met, the city manager shall issue a permit upon the payment of all applicable privilege taxes. The city manager shall keep a permanent record of all applications, his decision on each application and permits issued. (1985 Code, § 5-406)

**9-507. Appeal.** Any person aggrieved by the action of the city manager in the denial of a permit may appeal to the city council by filing with the city manager within fourteen (14) days after notice of the action complained of a written statement setting forth fully the grounds for the appeal. The city manager shall set a time and place for hearing on such appeal and notice of the time and place of the hearing shall be given to the appellant. The notice shall be in writing and shall be mailed, postage prepaid, to the appellant at his last known address at least five (5) days prior to the date set for the hearing, or shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for the hearing. (1985 Code, § 5-407)

**9-508 Posting permit.** Permits issued by the city manager shall be posted in a conspicuous place inside the premises. (1985 Code, § 5-408)

**9-509 Enforcement.** The provisions of this chapter shall be enforced by the city manager, or his designee, and the police. (1985 Code, § 5-409)

**9-510 Permit revocation or suspension.** (1) After notice and hearing, the city council may revoke any permit issued under the provisions of this chapter for any of the following causes:

- (a) Fraud, misrepresentation or incorrect statement contained in the application for any permit;
- (b) Violation of any provision of this chapter;
- (c) Conviction of any crime or misdemeanor; or
- (d) Operating a game room in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to health, safety or general welfare of the public.

(2) Notice of the hearing for revocation of a permit shall be given by the city manager in writing, setting forth specifically the grounds for revocation and the time and place of the hearing. Such notice shall be mailed to the permittee at his last known address at least five (5) days prior to the date set for hearing or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for the hearing.

(3) When reasonably necessary in the public interest, the city manager may suspend a permit pending the revocation hearing.

(4) At the hearing, the permittee may be represented by counsel. (1985 Code, § 5-410)

**9-511. Hours of operation.** It shall be unlawful for any person to open, maintain, conduct or operate a game room, or play or operate a game in a game room between the hours of 2:00 A.M. and 6:00 A.M. each and every day of the week including Sunday and, in addition, between the hours of 6:00 A.M. and 12:00 Noon on Sunday. (Ord. #97-06, April 1997)

**9-512. Minors.** It shall be unlawful for any person to knowingly permit any person under the age of 15 years to play or operate a game in a game room without first obtaining the written consent of a parent, guardian or other person having legal control of such person. (1985 Code, § 5-412)

**9-513. Prohibited activities.** Possession, sale or consumption of alcohol, or any unlawful act or conduct shall not be permitted on the premises at any time. (1985 Code, § 5-413)

**9-514. Re-application.** No new permit will be granted to a person, or the person's immediate family, for six (6) months immediately following the revocation of the person's permit. (1985 Code, § 5-414)

**9-515. Permit expiration and renewal.** Permit shall expire on the same date that the permittee's privilege license expires. Permits issued to permittees who are not subject to the privilege license shall be issued for one (1) year. An application for a renewal permit shall be made substantially in the same form as an application for a new permit. (1985 Code, § 5-415)

**9-516. Penalty.** In addition to revocation of a permit, the city manager may cause a warrant to be issued for violation of any provision of this chapter and the city court may assess a penalty of not more than five hundred dollars (\$500.00) for each violation. Each day a violation occurs shall be considered a separate violation. (1985 Code, § 5-416)



## CHAPTER 6

### TRAVELING SHOWS AND SIMILAR ENTERTAINMENT

#### SECTION

- 9-601. Permit required.
- 9-602. Inspection required before permit issued.
- 9-603. Permit fee.
- 9-604. Liability insurance and cash bond required.
- 9-605. Permit revocation.

**9-601. Permit required.** No person, firm or corporation shall set up and/or show or exhibit any circus, menagerie, carnival, or other similar entertainment or traveling show, all hereinafter referred to as "show," within the city without a permit to do so issued by the city manager. Application for such permit shall be in writing and filed with the city manager at least fifteen (15) days prior to the opening date of any performance. The application shall state: the name and address of the owner of the show; the name and address of the sponsoring person or group; the area or location within the city to be used; the time the show will be opened to the public; what provisions have been made for off street parking; what provisions have been made for sanitary facilities; and such other relevant information as the city manager may require. (1985 Code, § 5-501)

**9-602. Inspection required before permit issued.** The city manager shall not issue a permit unless the applicant has made provisions for inspection before opening of the show by the city building inspector and city fire marshall, sufficient off street parking; sufficient provisions for sanitary facilities; the clearing of straw, dry grass and any combustible trash from the premises before the show is open to the public and arrangements made to keep the premises where debris may be expected to accumulate well serviced; proper facilities for calling the city fire and police departments; and rendering non-flammable any tent or canvas structures. (1985 Code, § 5-502)

**9-603. Permit fee.** In addition to any other tax, fee or payment required by any other provision of this chapter, any other ordinance or state law, a permit fee of four hundred dollars (\$400.00) shall be paid to the city. (1985 Code, § 5-503, as replaced by Ord. #20-07, Aug. 2020 *Ch13\_10-13-20*)

**9-604. Liability insurance and cash bond required.** Prior to the issuance of a permit, the applicant shall furnish evidence that a public liability insurance policy in an amount of not less than \$100,000 for any one person and \$300,000 for any one accident is in force and effect at the time the show is open to the public.

The applicant shall deposit with the city a cash bond in the sum of \$400.00, conditioned that no damage will be done to the streets, utilities, trees or adjoining property and that no dirt, paper, litter or other debris will be permitted to remain upon the streets or upon any property by such applicant. The cash bond shall be returned to the applicant upon certification by the city manager that all the foregoing conditions have been complied with. If the city manager finds that damage has been done to the streets, utilities, trees or adjoining property or that dirt, paper, litter or other debris remains on the property, the cash bond shall be retained by the city. (1985 Code, § 5-504)

**9-605. Permit revocation.** If the city manager finds that a show is being maintained in violation of any of the provisions of this chapter or in such a manner as to constitute a fire hazard or be a threat to the public safety, he may revoke the permit and it shall be unlawful for any person to continue to operate the show authorized by such permit. (1985 Code, § 5-505)

## CHAPTER 7

### SELF SERVICE CAR WASHES

#### SECTION

9-701. Definition.

9-702. Duty of owner or operator.

9-703. Violation and penalty.

**9-701. Definition.** For the purposes of this chapter, a car wash shall include all operations on the premises where two or more motor vehicles may be washed simultaneously or where facilities are provided for coin-operated or self service washing of motor vehicles. (1985 Code, § 5-601)

**9-702. Duty of owner or operator.** It shall be the duty of the owner or operator of any car wash to:

- (a) Keep the premises free of debris and litter;
- (b) Prevent excessive noise and rowdiness;
- (c) Maintain peace, order and safety on the premises. (1985 Code, § 5-602)

**9-703. Violation and penalty.** Any person violating any provision of this chapter shall be fined according to the general penalty provision of this code of ordinances for each offense. (1985 Code, § 5-603)

## CHAPTER 8

### CABLE TELEVISION SYSTEM

#### SECTION

9-801. To be furnished under franchise.

**9-801. To be furnished under franchise.** Cable television service shall be furnished to the City of Lewisburg and its inhabitants under a non-exclusive franchise granted to InterMedia partners of West Tennessee, L.P., by the city council of the City of Lewisburg, Tennessee. The rights, powers, duties and obligations of the City of Lewisburg and its inhabitants are clearly stated in the franchise agreement executed by, and which shall be binding upon the parties concerned.<sup>1</sup> (1985 Code, § 5-701)

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<sup>1</sup>For complete details relating to the cable television franchise agreement see Ord. #90-6 in the office of the city recorder.

## CHAPTER 9

### YARD SALES

#### SECTION

- 9-901. Definitions.
- 9-902. Property permitted to be sold.
- 9-903. Permit required.
- 9-904. Permit procedure.
- 9-905. Permit conditions.
- 9-906. Hours of operation.
- 9-907. Exceptions.
- 9-908. Display of sale property.
- 9-909. Display of permit.
- 9-910. Advertising.
- 9-911. Persons exempted from chapter.
- 9-912. Violations and penalty.

**9-901. Definitions.** For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein.

1. "Person" shall mean a person, persons, individual or individuals.

2. "Personal property" shall mean property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

3. "Yard sales" shall mean and include all general sales, open to the public, conducted from or on any premises for the purpose of disposing of personal property including, but not limited to, all sales entitled "garage," "lawn" "attic," "porch," "room," "moving," "backyard," "patio," "flea market," or "rummage" sale. This definition does not include the operation of such businesses carried on in a nonresidential zone where the person conducting the sale does so on a regular day-to-day basis. This definition shall not include a situation where no more than five (5) specific items or articles are held out for sale and all advertisements of such sale specifically identifies items to be sold. (as added by Ord. #99-09, Nov. 1999)

**9-902. Property permitted to be sold.** It shall be unlawful for any person to sell or offer for sale, under authority granted by this chapter, property other than personal property. (as added by Ord. #99-09, Nov. 1999)

**9-903. Permit required.** No yard sale shall be conducted until the person desiring to conduct the yard sale obtains a permit from the zoning compliance officer. Members of more than one residence may join in obtaining a permit for a yard sale to be conducted at the residence of one of them. Permits

may be obtained for any nonresidential location. (as added by Ord. #99-09, Nov. 1999)

**9-904. Permit procedure.** 1. Application. The applicant or applicants for a yard sale permit shall file a written application with the zoning compliance officer at least three (3) days in advance of the proposed yard sale setting forth the following information:

- a. Full name and address of applicant or applicants.
- b. The location at which the yard sale is to be held.
- c. The date or dates upon which the yard sale shall be held.
- d. The date or dates of any other yard sales by the same applicant or applicants within the current calendar year.
- e. A statement that the property to be sold was owned by the applicant or applicants as his or their own personal property and was neither acquired nor consigned for the purpose of resale.
- f. A statement that the applicant or applicants will fully comply with this and all other applicable ordinances and laws.

2. Issuance of permit. Upon the applicant complying with the terms of this chapter, the zoning compliance officer shall issue a permit. (as added by Ord. #99-09, Nov. 1999)

**9-905. Permit conditions.** The permit shall set forth the time and location of the yard sale. No more than four (4) yard sale permits shall be issued to one residential location, residence and/or family household during any calendar year. If members of more than one residence join in requesting a yard sale permit, then the yard sale permit shall be considered as having been issued for each and all of the residences. (as added by Ord. #99-09, Nov. 1999)

**9-906. Hours of operation.** Yard sales shall be conducted between 6:00 A.M. to 6:00 P.M. and for no more than three (3) consecutive days. (as added by Ord. #99-09, Nov. 1999)

**9-907. Exceptions.** Inclement weather. 1. If a yard sale is not held on the dates for which the permit is issued or is terminated during the first day of the sale because of inclement weather conditions, and a statement by the permit holder to this effect is submitted, the zoning compliance officer shall issue another permit to the applicant for a yard sale to be conducted at the same location within thirty (30) days from the date when the first sale was to be held.

2. A second yard sale shall be permitted at a premises in a calendar year if satisfactory proof of a bona fide change in ownership of the real property is first presented to the zoning compliance officer. (as added by Ord. #99-09, Nov. 1999)

**9-908. Display of sale property.** 1. Personal property offered for sale may be displayed within the residence, in a garage, carport, and/or in a front,

side or rear yard, but only in such areas. No personal property offered for sale at a yard sale shall be displayed in any public right-of-way.

2. A vehicle offered for sale may be displayed on a permanently constructed driveway within the front or side yard.

3. Personal property offered for sale shall be displayed not more than 24 hours before the time the yard sale is scheduled to start and shall be removed from public display within 24 hours from the end of the yard sale. (as added by Ord. #99-09, Nov. 1999)

**9-909. Display of permit.** Yard sale permit shall be posted on the premises in a conspicuous place so as to be seen by the public. (as added by Ord. #99-09, Nov. 1999)

**9-910. Advertising.** 1. Signs permitted. Only the following signs may be displayed for a yard sale:

a. Two signs permitted. Two (2) signs of not more than four (4) square feet shall be permitted to be displayed on the property where the yard sale is being conducted.

b. Directional signs. Two (2) directional signs of not more than two (2) square feet each are permitted, provided the premises on which the yard sale is conducted is not on a major thoroughfare, and written permission to erect such signs is received from the property owners on whose property the signs are to be placed.

2. Time limitations. No sign or other form of advertisement shall be exhibited for more than two (2) days prior to the day the yard sale is to commence.

3. Removal of signs. Signs shall be removed each day at the close of the yard sale activities.

4. Posting of signs. Signs shall not be attached to utility poles, highway or street signs or directional signals and shall not be in or on any street, highway, alley, sidewalk or public right-of-way. (as added by Ord. #99-09, Nov. 1999)

**9-911. Persons exempted from chapter.** The provisions of this chapter shall not apply to or affect the following:

1. Persons selling goods pursuant to a court order.

2. Persons acting in accordance with their powers and duties as public officials.

3. Any sale conducted by any merchant or other business establishment on a regular, day-to-day basis from or at the place of business wherein the sale would be permitted by zoning regulations of the City of Lewisburg, or under the protection of the nonconforming use section thereof, or any other sale conducted by a manufacturer, dealer or vendor in which sale would be conducted from properly zoned premises, and not otherwise prohibited by other ordinances.

4. Public auction conducted by an auctioneer licensed by the State of Tennessee.

(5) Persons acting under the no permit holiday for yard sales on the third weekend of September every year running from Friday morning at 6:00 A.M. to Saturday night at 6:00 P.M. In the event of bad weather, the city may move the weekend to the following week at those same times. (as added by Ord. #99-09, Nov. 1999, and amended by Ord. #22-21, July 2022 ***Ch15\_06-28-23***)

**9-912. Violations and penalty.** Any person found guilty of violating the terms of this chapter shall be subject to a penalty of up to seventy-five dollars (\$75) for each offense. (as added by Ord. #99-09, Nov. 1999)



**TITLE 10****ANIMAL CONTROL****CHAPTER****1. DOGS.****CHAPTER 1****DOGS****SECTION**

- 10-101. Rabies vaccination and registration required.
- 10-102. Dogs to wear tags.
- 10-103. Running at large prohibited.
- 10-104. Vicious dogs.
- 10-105. Deleted.
- 10-106. Noisy dogs prohibited.
- 10-107. Confinement of dogs suspected of being rabid.
- 10-108. Seizure and disposition of dogs.
- 10-109. Summarily destruction of vicious or rabid dogs.
- 10-110. Pound fees.
- 10-111. Confinement.
- 10-112. Excrement.

**10-101. Rabies vaccination and registration required.** It shall be unlawful for any person to own, keep, or harbor any dog without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (Tennessee Code Annotated, §§ 68-8-101 through 68-8-114) or other applicable law. (1985 Code, § 3-101)

**10-102. 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.

No person shall fail or refuse to show the chief animal control officer or any police officer, the registration and the tag for any duly registered dog kept or remaining within the home or upon any premises under his immediate control. A violation of this provision is an infraction, and upon a conviction thereof shall be punishable by a fine. (1985 Code, § 3-102)

**10-103. Running at large prohibited.**<sup>1</sup> It shall be unlawful for any person owning, having an interest in, harboring, or having charge, care, control, custody or possession of any dog to knowingly cause or permit such dog to be off the premises of its owner, unless such dog is securely confined by a strong leash of not exceeding six (6) feet, securely and continuously held by a competent person or unless such dog be confined within an automobile. (1985 Code, § 3-103)

**10-104. Vicious dogs.** (1) Definitions. For the purpose of this section the following terms have the following meanings:

(a) Confined shall mean securely confined indoors, within an automobile or other vehicle, or confined in a securely enclosed and locked pen or structure upon the premises of the owner of such dog. Such pen or structure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than two feet.

(b) Guard dog shall mean any dog trained or used to protect persons or property by attacking or threatening to attack any person found within the area patrolled by the dog.

(c) Vicious dog shall mean any dog which attacks or bites a person or a domestic animal on any public or private property without provocation; or any dog owned or harbored primarily or in part for the purpose of dog fighting.

(2) Vicious dogs prohibited. It shall be unlawful for any person to keep or harbor a vicious dog within the City of Lewisburg unless said vicious dog is confined. Guard dogs may be maintained in compliance with (6) Guard dogs.

(3) Impoundment. Any vicious dog, not in compliance with (2) above may be taken into custody by the appropriate animal control or police authorities and impounded. The fees imposed elsewhere in the Lewisburg Municipal Code shall be imposed upon and paid by the owner of such vicious dog so impounded to cover the costs of impounding and caring for the dog.

(4) Court proceedings against owner. If any vicious dog is impounded, the animal control officer or any police officer may institute proceedings in the city court against the owner charging the owner with violating this section. Nothing in this section shall be construed as preventing the animal control officer, a police officer of the City of Lewisburg, or a citizen from instituting a court proceeding where there has been no impoundment.

(5) Court findings. If a complaint has been filed in the Lewisburg City Court against the owner of a dog for violation of this section, the dog shall not be released from impoundment or disposal except on order of the court and

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<sup>1</sup>State law reference

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

payment of all charges and costs, including any penalties for violating this section. The court may, upon making a finding that the dog is a vicious dog pursuant to this section, order the dog to be destroyed in a humane manner.

(6) Guard dogs. It shall be unlawful for any person to place or maintain guard dogs in the City of Lewisburg for the protection of persons or property unless the following provisions are met:

(a) The guard dog shall be confined; or

(b) The guard dog shall be under the absolute control of a handler at all times when not confined; and

(c) The owner or other persons in control of the premises upon which a guard dog is maintained shall post warning signs stating that such a dog is on the premises. At least one such sign shall be posted at each driveway or entranceway to said premises. Such signs shall be in lettering clearly visible from either the curblin or a distance of fifty (50) feet, whichever is lesser, and shall contain a telephone number where some person responsible for controlling such guard dog can be reached twenty-four (24) hours a day.

(7) Penalties. Any person violating the provisions of this section upon conviction shall be fined fifty dollars (\$50.00) and each day of violation shall be deemed a separate violation. (1985 Code, § 3-104, as replaced by Ord. #05-04, Nov. 2005)

**10-105. Deleted.** (as added by Ord. #05-04, Nov. 2005, amended by Ord. #07-08, Sept. 2007, and deleted by Ord. #16-16, Oct. 2016)

**10-106. 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. (1985 Code, § 3-105, as renumbered by Ord. #05-04, Nov. 2005)

**10-107. 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 health officer or chief of police may cause such dog to be confined or isolated for such time as he deems reasonably necessary to determine if such dog is rabid. (1985 Code, § 3-106, as renumbered by Ord. #05-04, Nov. 2005)

**10-108. Seizure and disposition of dogs.** Any dog found running at large may be seized by the chief animal control officer, health officer, any police officer or other person duly authorized to do so by the health officer or city manager and placed in a pound provided or designated by the city council. If said dog is wearing a tag the owner shall be notified in person by telephone, or by a post card addressed to his last known mailing address to appear within five (5) days and redeem his dog by paying a pound fee in accordance with § 10-110,

or the dog will be sold, and if unsold, humanely destroyed. If the dog is not wearing a tag it shall be sold within a reasonable time, and if unsold, humanely destroyed unless legally claimed by the owner within three (3) days. (1985 Code, § 3-107, as renumbered by Ord. #05-04, Nov. 2005, and replaced by Ord. #12-07, Oct. 2012, and Ord. #16-16, Oct. 2016)

**10-109. Summarily destruction of vicious or rabid dogs.** When, because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely impounded it may be summarily destroyed by the chief animal control officer, health officer, police officer or other person duly authorized to do so by the health officer or city manager.<sup>1</sup> (1985 Code, § 3-108, modified, as renumbered by Ord. #05-04, Nov. 2005)

**10-110. Pound fees.** Any owner reclaiming an impounded and tagged dog shall pay a fee of twenty five dollars (\$25.00) plus five dollars (\$5.00) per day for each day the dog has been impounded. In addition, untagged dogs shall be released from the pound to owners or adopters but the receiving individual or group shall pay such fees as are from time to time prescribed by city manager to cover necessary animal health and safety services. (1985 Code, § 3-109, as amended by Ord. #97-13, Sept. 1997, renumbered by Ord. #05-04, Nov. 2005, and replaced by Ord. #12-07, Oct. 2012, and Ord. #16-16, Oct. 2016)

**10-111. Confinement.** Any person owning, having an interest in, harboring, or having charge, care, control, custody, or possession of any dog shall confine their dog within their property boundaries at all times by means of fencing, housing, chains, ropes, electronic devices, cages, pins, or other approved means. (Ord. #97-13, Sept. 1997, as renumbered by Ord. #05-04, Nov. 2005)

**10-112. Excrement.** A dog owner or person in possession of the dog shall clean up and remove any excrement left by his or her dog(s) on any public property or private property not owned or lawfully possessed by the dog owner. Violations of this section shall be punishable by a fifty-dollar (\$50.00) fine. (as added by Ord. ##22-27, Oct. 2022 ***Ch15\_06-28-23***)

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<sup>1</sup>State law reference

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

## TITLE 11

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

#### CHAPTER

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

#### CHAPTER 1

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

#### SECTION

- 11-101. Drinking beer, etc., on streets, etc.  
 11-102. Minors in beer places.  
 11-103. Drinking liquor, beer, etc., in recreation center.

**11-101. Drinking beer, etc., on streets, etc.** It shall be unlawful for any person to drink or consume, or have or display an open container of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground, or other public place unless the place has an appropriate permit and license for on premises consumption.

It shall also be unlawful for any owner or driver of an automobile, truck, or other motor vehicle, which is parked or being operated in a parking lot, or on

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<sup>1</sup>Municipal code references

Animals and fowls: title 10.

Housing and utilities: title 12.

Fireworks and explosives: title 7.

Traffic offenses: title 15.

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

<sup>2</sup>Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

State law reference

See Tennessee Code Annotated § 33-8-203 (Arrest for Public Intoxication, cities may not pass separate legislation).

the highways, streets or alleys in the City of Lewisburg, to allow any passenger to drink or consume, or have or display an open can or bottle of liquor or beer. (1985 Code, § 10-225)

**11-102. Minors in beer places.** No person under the age of twenty-one (21) shall loiter in or around, work in, or otherwise frequent any place where beer is sold at retail for consumption on the premises. (1985 Code, § 10-219, modified)

**11-103. Drinking liquor, beer, etc., in recreation center.** It shall be unlawful for any person to drink, or consume, or have or display an open can or bottle of liquor or beer in the parking lots or other non-designated areas in the Recreation Center of the City of Lewisburg unless previously approved under the other provisions of the Lewisburg Municipal Code. (1985 Code, § 10-226, as replaced by Ord. #22-38, Jan. 2023 ***Ch15\_06-28-23***)

**CHAPTER 2****OFFENSES AGAINST THE PEACE AND QUIET****SECTION**

11-201. Disturbing the peace.

**11-201. Disturbing the peace.** No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (1985 Code, § 10-202)

## CHAPTER 3

### INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

#### SECTION

- 11-301. Escape from custody or confinement.
- 11-302. Impersonating a government officer or employee.
- 11-303. False emergency alarms.
- 11-304. Resisting or interfering with an officer.
- 11-305. Coercing people not to work.

**11-301. 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. (1985 Code, § 10-208)

**11-302. 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. (1985 Code, § 10-210)

**11-303. False emergency alarms.** It shall be unlawful for any person intentionally to make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1985 Code, § 10-216)

**11-304. Resisting or interfering with an officer.** It shall be unlawful for any person knowingly to resist or in any way interfere with or attempt to interfere with any officer or employee of the municipality while such officer or employee is performing or attempting to perform his municipal duties. (1985 Code, § 10-209)

**11-305. Coercing people not to work.** It shall be unlawful for any person in association or agreement with any other person to assemble, congregate, or meet together in the vicinity of any premises where other persons are employed or reside for the purpose of inducing any such other person by threats, coercion, intimidation, or acts of violence to quit or refrain from entering a place of lawful employment. It expressly is not the purpose of this section to prohibit peaceful picketing. (1985 Code, § 10-227)



## CHAPTER 4

### **FIREARMS, WEAPONS AND MISSILES**

#### **SECTION**

11-401. Air rifles, etc.

11-402. Throwing missiles.

11-403. Weapons and firearms generally.

**11-401. 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 metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1985 Code, § 10-212)

**11-402. 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. (1985 Code, § 10-213)

**11-403. Weapons and firearms generally.** It shall be unlawful for any person to carry in any manner whatever, with the intent to go armed, any razor, dirk, knife, blackjack, brass knucks, pistol, revolver, or any other dangerous weapon or instrument except the army or navy pistol which shall be carried openly in the hand. However, the foregoing prohibition shall not apply to members of the United States Armed Forces carrying such weapons as are prescribed by applicable regulations nor to any officer or policeman engaged in his official duties, in the execution of process, or while searching for or engaged in arresting persons suspected of having committed crimes. Furthermore, the prohibition shall not apply to persons who may have been summoned by such officer or policeman to assist in the discharge of his said duties, nor to any conductor of any passenger or freight train of any steam railroad while he is on duty. It shall also be unlawful for any unauthorized person to discharge a firearm within the municipality. (1985 Code, § 10-211)

## CHAPTER 5

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

#### **SECTION**

- 11-501. Trespassing.
- 11-502. Trespassing on trains.
- 11-503. Malicious mischief.
- 11-504. Interference with traffic.

**11-501. Trespassing.** The owner or person in charge of any lot or parcel of land or any building or other structure within the corporate limits may post the same against trespassers. It shall be unlawful for any person to go upon any such posted lot or parcel of land or into any such posted building or other structure without the consent of the owner or person in charge.

It shall be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to leave promptly the private premises of any person who requests or directs him to leave. (1985 Code, § 10-222)

**11-502. Trespassing on trains.** It shall be unlawful for any person to climb, jump, step, stand upon, or cling to, or in any other way attach himself to any locomotive engine or railroad car unless he works for the railroad corporation and is acting the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. (1985 Code, § 10-218)

**11-503. Malicious mischief.** It shall be unlawful and deemed to be malicious mischief for any person willfully, maliciously, or wantonly to damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1985 Code, § 10-221)

**11-504. Interference with traffic.** It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere unreasonably with the free passage of pedestrian or vehicular traffic thereon. (1985 Code, § 10-229)

## CHAPTER 6

### MISCELLANEOUS

#### SECTION

- 11-601. Abandoned refrigerators, etc.
- 11-602. Caves, wells, cisterns, etc.
- 11-603. Posting notices, etc.
- 11-604. Wearing masks.
- 11-605. Trespassing at recreation center and other city owned property.
- 11-606. Possessing glass containers in certain areas of recreation centers.
- 11-607. Riding of horses within streets, public rights-of-way, and public property during nighttime hours.

**11-601. 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. (1985 Code, § 10-220)

**11-602. 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 placing thereon an adequate cover or safeguard. (1985 Code, § 10-228)

**11-603. Posting notices, etc.** No person shall post, paint, or fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless legally authorized to do so. (1985 Code, § 10-223)

**11-604. Wearing masks.** It shall be unlawful for any persons to appear on or in any public way or place while wearing any mask, device, or hood whereby any portion of the face is so hidden or covered as to conceal the identity of the wearer. The following are exempted from the provisions of this section:

- (1) Children under the age of ten (10) years.
- (2) Minors engaged in trick or treating when accompanied by a parent, guardian, or an adult designated by a parent or guardian.
- (3) Persons wearing a mask for health and/ or safety reasons.
- (4) Persons wearing gas masks in civil defense drills and exercises or emergencies.
- (5) Any person having a special permit issued by the city recorder to wear a traditional holiday costume. (1985 Code, § 10-230, as replaced by Ord. #21-02, April. 2021 **Ch14\_03-08-22**)

**11-605. Trespassing at recreation center and other city owned property.** It shall be unlawful for any person to be on or in the recreation center or any other city owned property after the hour posted by appropriate signs, unless the person is on or in such property for a specific function and such function is in progress.

**11-606. Possessing glass containers in certain areas of recreation centers.** It shall be unlawful for any person to possess any glass containers of any kind in the parking lot, swimming pool, tennis courts and sidewalk areas of the recreation center of the City of Lewisburg. (1985 Code, § 10-231)

**11-607. Riding of horses within streets, public rights-of-way, and public property during nighttime hours.** It shall be unlawful for any person to ride, lead, walk, etc. any horse, mule, donkey, etc. on the streets, public rights-of-way, and public property within the City of Lewisburg during nighttime hours and the following definitions shall apply:

(1) Nighttime hours shall be between sunset and sunrise as determined by the National Weather Service;

(2) Streets and public right-of-way shall include all properties, sidewalks, bridges, etc. within any public right-of-way within the City of Lewisburg;

(3) Public property shall include property owned by the United States, State of Tennessee, County of Marshall or City of Lewisburg located within the City of Lewisburg.

This section shall not apply to any person employed by federal, state, county or city government whose primary responsibility is the prevention and detection of crime and the apprehension of offenders and while engaged in such employment. (1985 Code, § 10-232)

## CHAPTER 7

### EXCESSIVE NOISE

#### SECTION

- 11-701. Excessive noise prohibited.
- 11-702. Enumeration of prohibited acts.
- 11-703. Exceptions.
- 11-704. Violation.

**11-701. Excessive noise prohibited.** No person or persons owning, employing, or having the care, custody, or possession of any instrument, amplifier, animal or other generator of regularly recurring sound shall permit or cause to be permitted the generation or transmission of such sound in such a manner as to cause injury, detriment or nuisance to any person of ordinary sensitivities provided, however, that excessive noise shall not include and is not intended to prohibit single day special events limited in duration to any single twelve hour period including, by way of example, but without limitation, events which are held for the purpose of public or private auction, events sponsored or supported by any public body, agency, or official or celebratory events commemoration any national, state or local holiday. The generation or transmission of sound in such a manner as to be plainly audible on any adjacent or adjoining property shall be prima facie evidence of a violation of this section unless otherwise specifically permitted by ordinance or law or by an agency or department of the City of Lewisburg, Tennessee. (Ord. #00-04, § 1, June 2000)

**11-702. Enumeration of prohibited acts.** The following acts, among others, are declared to be excessive noises in violation of this chapter but this enumeration shall not be deemed to be exclusive:

(1) **Horns or other signal devices on vehicles.** The sounding of any horn or signal devise on any automobile, motorcycle, bus, or other vehicle, while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or while 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 such signal device of any unreasonably loud or harsh sound, and the sounding of such devise for an unnecessary and unreasonable period of time.

(2) **Musical instruments.** The playing of any radio, phonograph, any electronic instrument capable of producing sound, or any musical instrument in such a manner or with such volume, particularly during the hours between 11:00 P.M. and 7:00 A.M., so as to annoy or disturb the quiet, comfort or repose of persons in any hospital, or in any dwelling, hotel or other type of residence or of any person or persons in the vicinity.

(3) Dogs. The keeping of dog(s), in residential area, by causing frequent or long continued noise, which disturbs the comfort and repose of any person in the vicinity.

(4) Operation of vehicles. The use of any automobile, motorcycle or other vehicle so out of repair or loaded in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

(5) Exhausts without mufflers. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or boat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(6) Barking and similar advertising. 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, or sale or display of merchandise.

(7) Loudspeakers and amplifiers. The use of mechanical loudspeakers or amplifiers for advertising or other purposes.

(8) Burgular alarms. A residential, commercial, or auto alarm system or signaling device which sounds at a high pitch or duration so as to annoy or disturb the quiet, comfort, or repose of any person in the vicinity, and which continues to signal for more than a thirty (30) minute period.

(9) Sound amplification systems in vehicles. (a) 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.

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

(c) 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 a direct line of sight. Words or phrases need not be discernable 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.

(d) It is an affirmative defense to a charge under this section that the operator was not otherwise prohibited by law from operating the sound amplification system, and that any of the following apply:

(i) The system was being operated to request medical or vehicular assistance or to warn of a hazardous road condition;

(ii) The vehicle was an emergency vehicle or public safety vehicle;

(iii) The vehicle was owned and operated by the City of Lewisburg or gas, electric, communications or refuse company; or

(iv) The system or vehicle was used in authorized public activities, such as parades, fireworks, sports events, musical productions, or any activities which have the approval of the city manager or the department of the city authorized to grant such approval. (Ord. #00-04, § 2, June 2000)

**11-703. Exceptions.** The provision of this section shall not apply to any vehicle of City of Lewisburg, Tennessee while engaged upon necessary public business or to the reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character. (Ord. #00-04, § 3, June 2000)

**11-704. Violation.** Anyone found in violation of this chapter shall be subject to a maximum fine of \$500.00. In the event a violation continues uninterrupted for more than twenty-four (24) hours, each twenty-four hour period shall constitute a separate punishable offense. (Ord. #00-04, § 4, June 2000)

## TITLE 12

### BUILDING, UTILITY, ETC. CODES

#### CHAPTER

1. BUILDING CODE.
2. PLUMBING CODE.
3. DELETED.
4. FUEL GAS CODE.
5. RESIDENTIAL CODE.
6. MECHANICAL CODE.
7. ENERGY CONSERVATION CODE.
8. EXISTING BUILDING CODE.

#### CHAPTER 1

#### BUILDING CODE<sup>1</sup>

#### SECTION

- 12-101. Building code adopted.
- 12-102. Modifications.
- 12-103. Permit fees.
- 12-104. Available in recorder's office.
- 12-105. Violations.

**12-101. Building code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the International Building Code,<sup>2</sup> 2018 edition, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the building code. The city shall adopt the latest subsequent edition, amendments or changes by administration regulation adopted by the building inspector

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<sup>1</sup>Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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



pursuant to Tennessee Code Annotated, § 6-54-502. (1985 Code, § 4-101, modified, as replaced by Ord. #06-08, Jan. 2007, and amended by Ord. #16-20, Nov. 2016, and Ord. #19-11, Jan. 2020 ***Ch13\_10-13-20***)

**12-102. Modifications.** Whenever the building code refers to the "Chief Appointing Authority" or the "Chief Administrator," it shall be deemed a reference to the city manager. When the building code refers to the "Building Official" or "Building Inspector" it shall, for the purposes of the building code, mean such person appointed or designated by the city manager, to administer and enforce the provisions of the building code. Section 107 of the building code is hereby deleted. (1985 Code, § 4-102, modified, as replaced by Ord. #06-08, Jan. 2007)

**12-103. Permit fees.** Fees charged for building permits shall be as set forth in Appendix "B" of the building code. (1985 Code, § 4-103)

**12-104. Available in recorder's office.** Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the building code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1985 Code, § 4-104, modified)

**12-105. Violations.** It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified.

No utilities owned or controlled by the City of Lewisburg shall furnish any electricity, water or natural gas to any building which is in violation of this chapter. (1985 Code, § 4-105)

## CHAPTER 2

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

#### SECTION

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

**12-201. Plumbing code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating plumbing installations including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the city, when such plumbing is or is to be connected with the city water or sewerage system, the International Plumbing Code<sup>2</sup> 2018 edition, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code. The city shall adopt the latest subsequent edition, amendments, or changes by administrative legislation adopted by the building inspector pursuant to Tennessee Code Annotated, § 6-54-302. (1985 Code, § 4-201, modified, as replaced by Ord. #06-08, Jan. 2007, and amended by Ord. #16-20, Nov. 2016, and Ord. #19-11, Jan. 2020 *Ch13\_10-13-20*)

**12-202. Modifications.** Wherever the plumbing code refers to the "Chief Appointing Authority," the "Administrative Authority," or the "Governing Authority," it shall be deemed to be a reference to the city manager.

Wherever "City Engineer," "Engineering Department," "Plumbing Official," or "Inspector" is named or referred to, it shall mean the person appointed or designated by the city manager to administer and enforce the provisions of the plumbing code. Permit fees shall be the same as required for a building permit under § 12-102 of this code. (1985 Code, § 4-202)

**12-203. Available in recorder's office.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the plumbing code has

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<sup>1</sup>Municipal code references

Cross connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

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

been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1985 Code, § 4-203, modified)

**12-204. 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. No utilities owned or controlled by the City of Lewisburg shall furnish any electricity, water or natural gas to any building in violation of this chapter. (1985 Code, § 4-204)

### **CHAPTER 3**

(as deleted by Ord. #20-02, May 2020 *Ch13\_10-13-20*)

## CHAPTER 4

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

#### SECTION

- 12-401. Title and definitions.
- 12-402. Purpose and scope.
- 12-403. Use of existing piping and appliances.
- 12-404. License.
- 12-405. Gas inspector and assistants.
- 12-406. Powers and duties of inspector.
- 12-407. Permits.
- 12-408. Inspections.
- 12-409. Violations and penalties.
- 12-410. Nonliability.

**12-401. Title and definitions.** This chapter and the code herein adopted by reference shall be known as the gas code of the City of Lewisburg and be cited as such.

The following definitions are provided for the purpose of interpretations 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 gas superintendent or manager.

(2) "Person" means any individual, partnership, firm, corporation, or any other organized group of individuals.

(3) "Gas company" means any person distributing natural gas within the service area or authorized and proposing to so engage.

(4) "Appliances" means conversion burners, floor furnaces, central heating plant, vented wall furnaces, water heaters, ranges, clothes dryer, unvented heaters, ranges, boilers or any other gas fired appliance. (1985 Code, § 4-401)

**12-402. Purpose and scope.** The purpose of the gas code is to provide minimum standards, provisions, and requirements for safe installation of consumer gas piping and gas appliances. All gas piping and gas appliances installed, replaced, maintained, altered, or repaired within the service area shall conform to the requirements of this chapter and to the International Fuel Gas

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<sup>1</sup>Municipal code reference

Gas system administration: title 19, chapter 2.

Code,<sup>1</sup> 2018 edition, which is hereby incorporated by reference and made a part of this chapter as if fully set forth herein. One (1) copy of the gas code shall be kept on file in the office of the recorder for the use and inspection of the public. The city shall adopt the latest subsequent edition, amendments, or changes to the code by the administrative regulation adopted by the gas inspector pursuant to Tennessee Code Annotated, § 6-54-502. (1985 Code, § 4-402, modified, as amended by Ord. #16-20, Nov. 2016, and Ord. #19-11, Jan. 2020 *Ch13\_10-13-20*)

**12-403. Use of existing piping and appliances.** Notwithstanding any provision of the gas code to the contrary, consumer 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. (1985 Code, § 4-403)

**12-404. License.** (1) No person shall engage in or work at the installation, extension, or alteration of consumer gas piping or certain gas appliances, until such person shall have secured a license to operate a business from the City Manager of City of Lewisburg, Tennessee.

(2) 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 piping on his own premises; provided, however, all such work must be done in conformity with all other provisions of the gas code, including those relating to permits, inspections, and fees. (1985 Code, § 4-404)

**12-405. Gas inspector and assistants.** To provide for the administration and enforcement of the gas code, the office of gas inspector is hereby created. The inspector, and such assistants as may be necessary in the proper performance of the duties of the office, shall be appointed by the gas superintendent and the compensation for such office shall be determined by the gas superintendent. (1985 Code, § 4-405)

**12-406. 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

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

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 installed or replaced without a permit 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, together with the reason or reasons therefor, and it shall be unlawful for any person to remove said notice or reconnect said gas piping or fixture or appliance without authorization by the inspector and such 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. (1985 Code, § 4-406)

**12-407. Permits.** The inspector will issue a permit to use each time an appliance is installed or replaced giving BTV rate of each piece of equipment and the name and address of the installer. (1985 Code, § 4-407)

**12-408. Inspections.** Before any piping is concealed it should be inspected by the inspector. The inspection shall include a pressure test, at which time the piping shall stand an air pressure of at least fifteen (15) pounds per PSIA and the piping shall hold this air pressure test for a period of time designated by inspector without any perceptible drop. A mercury column gauge can be used for test. All tools, apparatus, labor and assistance necessary for the tests should be furnished by the installer of such piping. (1985 Code, § 4-408)

**12-409. Violations and penalties.** Any person who shall violate or fail 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. The violator may be prohibited from installing, extending, replacing, altering, or repairing consumer piping or equipment for a period of twelve (12) months. (1985 Code, § 4-409)

**12-410. Nonliability.** This chapter shall not be construed as imposing upon the gas department or municipality any liability or responsibility for damages to any person injured or property damages by any defect in any gas piping or appliance mentioned herein, or by installation thereof, nor shall the gas department or municipality, or any official or employee thereof, be held as assuming any such liability or responsibility by reason of the inspection authorized hereunder or the permit of approval issued by the inspector. (1985 Code, § 4-410)

## CHAPTER 5

### RESIDENTIAL CODE

#### SECTION

- 12-501. Residential code adopted.
- 12-502. Modifications.
- 12-503. Available in recorder's office.
- 12-504. Violations.

**12-501. Residential code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of securing the public safety, health, and general welfare through structural strength, stability, sanitation, adequate light, and ventilation in dwellings, apartment houses, rooming houses, and buildings, structures, or premises used as such, the International Residential Code,<sup>1</sup> 2018 edition, as prepared and adopted by the International Code Council, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the housing code. The city shall adopt the latest subsequent edition, amendments or changes to the code by administrative regulation adopted by the building inspector pursuant to Tennessee Code Annotated, § 6-54-502. (1985 Code, § 4-501, modified, as amended by Ord. #16-20, Nov. 2016, and Ord. #19-11, Jan. 2020 *Ch13\_10-13-20*)

**12-502. Modifications.** Adopt: Section R313 AUTOMATIC FIRE SPRINKLER SYSTEMS of the 2018 International Residential Code with the following conditions:

Section R313. 1 regarding automatic sprinklers systems in townhouses add to the exception of the following language 11An automatic residential fire sprinkler system shall not be required if a 2 hour fire resistance rated wall exist between units, if such walls do not contain plumbing and/ or mechanical equipment, ducts, or vents in the common wall.

Delete: R313.2 One and two-family dwelling automatic fire systems. (1985 Code, § 4-502, as amended by Ord. #16-20, Nov. 2016, and replaced by Ord. #19-11, Jan. 2020 *Ch13\_10-13-20*)

**12-503. Available in recorder's office.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the residential code has been placed on file in the recorder's office and shall be kept there for the use and

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



inspection of the public. (1985 Code, § 4-503, modified, as amended by Ord. #16-20, Nov. 2016)

**12-504. Violations.** It shall be unlawful for any person to violate or fail to comply with any provision of the residential code as herein adopted by reference and modified. (1985 Code, § 4-504, as amended by Ord. #16-20, Nov. 2016)

**CHAPTER 6****MECHANICAL CODE ADOPTED****SECTION**

12-601. Mechanical code adopted.

**12-601. Mechanical code adopted.** The International Mechanical Code,<sup>1</sup> 2018 edition, is hereby adopted. (as added by Ord. #16-20, Nov. 2016, and replaced by Ord. #19-11, Jan. 2020 *Ch13\_10-13-20*)

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

## CHAPTER 7

### **ENERGY CONSERVATION CODE ADOPTED**

#### **SECTION**

12-701. Energy conservation code adopted.

12-702. Modifications.

**12-701. Energy conservation code adopted.** The 2018 International Energy Conservation Code<sup>1</sup> is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the energy conservation code. (as added by Ord. #16-20, Nov. 2016, and replaced by Ord. #19-11, Jan. 2020 *Ch13\_10-13-20*)

**12-702. Modifications.** The provisions of the energy code that apply to buildings constructed under the adopted residential code shall be found in chapter 4 of the 2009 International Energy Conservation Code published by the International Code Council. With this adoption, it is the intent of the City of Lewisburg to comply with the minimum energy code required by the State of Tennessee. The City of Lewisburg shall adopt administrative regulations to incorporate subsequent amendments to the energy code when the State of Tennessee adopts a more current energy code. These amendments shall be identified by the building and zoning director as to the date and source in order to comply with minimum state requirements for exempt jurisdictions and shall take effect as provided in Tennessee Code Annotated, § 5-20-102 unless disapproved by ordinance of the City of Lewisburg. (as added by Ord. #19-11, Jan. 2020 *Ch13\_10-13-20*)

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

## CHAPTER 8

### EXISTING BUILDING CODE

#### SECTION

12-801. Existing building code adopted.

**12-801. Existing building code adopted.** The City of Lewisburg hereby adopts the International Existing Building Code, 2012 edition.<sup>1</sup> (as added by Ord. #17-06, July 2017)

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

## TITLE 13

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

#### CHAPTER

1. PURPOSE AND INTENT.
2. GENERAL PROPERTY MAINTENANCE STANDARDS.
3. CHARACTERISTIC PROPERTY MAINTENANCE STANDARDS.
4. DEFINITIONS.
5. DELETED.

#### CHAPTER 1

#### PURPOSE AND INTENT

#### SECTION

- 13-101. Purpose.  
 13-102. Intent.  
 13-103. Owner responsibility.  
 13-104--3-107. Deleted.

**13-101. Purpose.** The purpose of this title is to provide for enforcement of exterior property maintenance standards which are considered essential to health and sanitation as it pertains to all areas, premises, and buildings within the city limits. Each standard enumerated herein is a minimum order of law. Persons are encouraged to maintain their properties to higher standards. (1985 Code, § 8-401, as replaced by Ord. #16-09, June 2016, and Ord. #16-19, Nov. 2016)

**13-102. Intent.** This title is intended to:

- (1) Maintain residential, commercial, and industrial environmental quality to preserve and achieve the presentable appearance of existing structures and premises;
- (2) Avoid blighting effects of the substandard maintenance of structures and premises and their negative impact on the value of surrounding properties; and
- (3) Provide for administration, enforcement and penalties. (1985 Code, § 8-405, as replaced by Ord. #16-09, June 2016, and Ord. #16-19, Nov. 2016)

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<sup>1</sup>Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

Toilet facilities in beer places: § 8-211(10).

**13-103. Owner responsibility.** The owner of the premises shall fully maintain the buildings, structures and premises in compliance with these requirements, except as otherwise provided for in this title. An owner shall not occupy or permit another person to occupy a building, structure, or premises which is not in a safe, clean, and sanitary condition and or which does not comply with the requirements of this title. Any occupant of a building, structure, or premises, or part thereof, and any person or entity that operates in, on, or otherwise controls any building, structure, premises, or part thereof, is responsible for keeping that part of the building, structure, or premises, which they occupy, operate in or on, or otherwise control, in a safe, clean, and sanitary condition in compliance with this title. (1985 Code, § 8-406, as replaced by Ord. #16-09, June 2016, and Ord. #16-19, Nov. 2016)

**13-104.–13-107. Deleted.** (as deleted by Ord. #16-009, June 2016)

## CHAPTER 2

### GENERAL PROPERTY MAINTENANCE STANDARDS

#### SECTION

- 13-201. Scope
- 13-202. Emissions.
- 13-203. Exterior surfaces.
- 13-204. Attached exterior structures.
- 13-205. Roofing and guttering.
- 13-206. Yards and vacant lots.
- 13-207. Detached garages, sheds, and out-buildings.
- 13-208. Motor vehicles.
- 13-209. House trailers.
- 13-210. Casualty damage.
- 13-211. Temporary cover.
- 13-212. Enforcement.

**13-201. Scope.** Every person, either as owner or occupant of any land or structures described in this chapter, shall maintain said land or structure in compliance with the requirements of this chapter. Following are the minimum standards to be met by a property owner or occupant for all properties within the City of Lewisburg. Unless expressly stated otherwise, or a matter of public health and safety, the standards within this chapter apply to areas of properties that are visible from a public street. Violation of these standards may result in the issuance of a citation by the city manager or his designee. (1985 Code, § 8-410, as replaced by Ord. #16-09, June 2016, and Ord. #16-19, Nov. 2016)

**13-202. Emissions.** It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (as added by Ord. # 16-09, June 2016, and replaced by Ord. #16-19, Nov. 2016)

**13-203. Exterior surfaces.** (1) Exterior wall surfaces including windows, doors, trim and appurtenances normally associated with exterior wall spaces shall be free of holes, breaks, and loose or damaged construction materials.

(2) Screens, if installed, shall be intact and in frames which are not bent or are otherwise secure to the window unit.

(3) Cracks or holes in mortar between bricks or stone in excess of one inch in size shall be sealed.

(4) All exterior wall surfaces shall be maintained and kept in repair using materials, texture and color the same or as compatible with undamaged wall surfaces or as may be acceptable to the city manager or his designee.

(5) All existing painted, exterior surfaces having areas of chipping, peeling, scaling or missing paint greater than fifty percent (50%) of the painted area shall be stripped and repainted or seal coated or re-sided or covered with compatible material acceptable to the city manager or his designee (hereafter, this is referred to as the paint standard).

(6) Doors and windows shall be maintained in operable condition.

(7) Appurtenances such as awnings and shutters, likewise shall be kept fully attached and in a seemingly workable condition. (as added by Ord. # 16-09, June 2016, and replaced by Ord. #16-19, Nov. 2016)

**13-204. Attached exterior structures.** (1) Porches, landings, fire escapes, chimney runs, balconies, terraces, verandas, decks, patios, railings, exterior stairs and other such appurtenances normally associated with and attached to the exterior of a structure shall be maintained in a safe, functional condition and kept in good repair including paint maintenance equivalent to the paint standard.

(2) Repair and replacement shall be accomplished with materials compatible to the undamaged portion of such exterior structure or they may be removed (if not integral to the basic structure) or covered with material acceptable to the city manager or his designee.

(3) Such exterior structures which may be exposed to public view shall be kept free of offensive materials including junk, debris, garbage, refuse, excessive accumulation of toys or toy parts, upholstered chairs or sofas not intended for outdoor use, and appliances not intended for outdoor use.

(4) Examples of materials which are permitted in such exposed areas include but are not limited to barbecue grills, patio furniture, porch swings and play materials designed for outdoor use such as swing sets and play houses. (as added by Ord. # 16-09, June 2016, and replaced by Ord. #16-19, Nov. 2016)

**13-205. Roofing and guttering.** (1) All roofs, eaves, fascia and soffits normally associated with structures shall be structurally sound, tight, and shall not admit rain or moisture penetration to the appropriate inside or underside surface.

(2) Leaks shall be repaired with materials compatible in texture to the color with the existing roof material or removed and recovered with material acceptable to the city manager or his designee.

(3) Fascia and soffit areas shall be kept in good repair and shall meet the paint standard.

(4) Guttering and downspouts which have been broken, rusted, twisted or otherwise damaged shall be repaired or replaced with compatible materials. All gutters and downspouts shall be kept in good repair and shall meet the paint



standard. (as added by Ord. # 16-09, June 2016, and replaced by Ord. #16-19, Nov. 2016)

**13-206. Yards and vacant lots.** (1) Established yard and court areas normally associated with structures shall be free of junk, debris, excessive vegetation and other offensive materials exposed to public view.

(2) The following specific offensive materials are hereby prohibited from these spaces:

(a) Any excessive accumulation of offensive materials including junk, debris, garbage, used tires, refuse, toys or toy parts;

(b) Any upholstered chairs or sofas not intended for outdoor use and appliances not intended for outdoor use;

(c) Any excessive accumulation of animal feces, dead animals, animal or vegetable waste or other putrid solid wastes;

(d) Clotheslines or clothes hanging in front yard areas, porches, balconies, fences, walls, trees or shrubs, or from any other device which is clearly visible from the public street;

(e) Pooled water, waste water, or trash left in water receptacles which can become breeding grounds for insects; and

(f) Inoperable vehicles, industrial or business wastes including cardboard and paper products.

(3) The following items, objects or structures are permitted in these areas:

(a) Any item specifically permitted by the zoning district regulations in effect for the area;

(b) Authorized trash containers, per standards within the City of Lewisburg's "Trash Can Ordinance;"

(c) Firewood, neatly stacked, preferably behind the line created by the foundation wall of the street-side of any primary structure (care should be taken that any ground in contact with firewood should not have contact with wood surfaces of any structure); and

(d) Materials located within a fully enclosed structure (in accordance with § 13-211) or within a back yard area which is screened from public view.

(e) The orderly stacking of lumber and materials at lumber yards or building supply businesses or to the temporary storage of building supplies on the site of commercial or residential building projects.

(4) It shall be unlawful for the owner or occupant of property to fail to cut grass, weeds and other overgrown vegetation on property when the grass, weeds and other overgrown vegetation is of a greater height than one foot (1') on the average. It shall be the duty of the owner or occupant to cut and remove all grass, weeds and other overgrown vegetation as often as necessary so as to comply with this provision but in no event shall the owner fail to comply with

this provision. (as added by Ord. # 16-09, June 2016, and replaced by Ord. #16-19, Nov. 2016)

**13-207. Detached garages, sheds, and out-buildings.** Detached garages, sheds, and other out-buildings shall be maintained in the same manner as provided for the primary structure. (as added by Ord. # 16-09, June 2016, and replaced by Ord. #16-19, Nov. 2016)

**13-208. Motor vehicles.** (1) No inoperative, immobile, or severely damaged or unlicensed motor vehicles shall be parked, kept or stored on any residential property, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled.

(2) A license plate with current expiration tags or a temporary registration placard must be displayed on motor vehicles at all times.

(3) Parking of motor vehicles and transport vehicles on any premises, other than agricultural land, shall be limited to surfaced parking areas, driveways, and designated parking structures such as garages and carports. A surfaced area is land where the natural surface has been altered by gravel, stone, brick, concrete, asphalt, or any other material that facilitates the parking of a motor vehicle.

(4) It shall be unlawful for the owner and/or occupant of any residential or commercial building, structure, or property within the city limits of the City of Lewisburg to utilize or permit the utilization of the premises of such property for the open display, storage, stacking, piling or scattering of any refuse, junk, abandoned motor vehicles or rubbish. It shall be the duty or responsibility of every such property owner and/or occupant to keep the premises clean and remove all refuse, junk, abandoned motor vehicles or rubbish from the premises.

(5) **Exceptions.** This chapter shall not apply to the following conditions:

(a) Display of new or used vehicles by a car dealership or to the temporary storage of vehicles being repaired by a body shop or repair garage; and

(b) Any motor vehicle retained by the owner for antique collection purposes and licensed by the State of Tennessee as such a vehicle.

No exceptions shall invite plundering, or endanger the health and safety of others, or create a fire hazard, or materially depreciate the value of the real property of others. (as added by Ord. # 16-09, June 2016, and replaced by Ord. #16-19, Nov. 2016)

**13-209. House trailers.** It shall be unlawful for any person to park, locate, or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary, and building provisions applicable to stationary structures and the proposed location conforms to the zoning provisions of the municipality and unless a permit therefor shall have been first

duly issued by the building official, as provided for in the building code. (as added by Ord. # 16-09, June 2016, and replaced by Ord. #16-19, Nov. 2016)

**13-210. Casualty damage.** (1) Areas damaged by fire, wind storm, ice storm or other calamity, whether natural or accidental, shall be repaired within a period of ninety (90) days.

(2) The city manager or his designee may grant up to three (3), consecutive thirty (30) day extensions of time to any improvement order upon evidence that there has been a delay in processing an insurance claim through no fault of the owner, or upon request from the police or fire departments or other such authority in the event of investigation which requires maintaining fire or crime scene integrity.

(3) In any event, such sites shall be marked as dangerous and restricted to public access with appropriate construction or investigation tape. In cases of potential public hazard, such areas shall be ordered fenced or otherwise secured in a manner acceptable to the designated public official.

(4) Casualty damage includes fallen trees, tree branches, broken glass, battered buildings, roofing materials, and other products as determined by the city manager or his designee. (as added by Ord. # 16-09, June 2016, and replaced by Ord. #16-19, Nov. 2016)

**13-211. Temporary cover.** The term "cover" shall mean any form of plastic, cloth, fabric, material commonly known as "tarp," wood, or other material that is used to conceal loose or missing materials, cracks, holes or openings that expose or could expose an interior part of a structure, including the contents therein, to rain, hail or wind, or to theft or loss. The term "temporary" shall mean for a period of time not to exceed sixty (60) days. The term "permanent" shall mean lasting for an indefinite period of time.

(1) **Outside storage.** (a) Outside storage including but not limited to: equipment, building or landscaping materials, parts/auto parts, appliances, furniture, boxes, or any scrap items, cannot be left where visible from a public right-of-way.

(b) These types of items must be stored safely within an enclosed building or permanently screened by materials and finishes of durable, finished quality, intended for exterior application, applied in a professional manner, and that correspond with the materials on the associated structure on the site.

(c) Outside storage shall be located in the side or rear yard only and shall be permanently screened from public view at all times.

(d) These standards include placement in a structure that is open or not completely enclosed, including any porch cover, carport, or upon any open porch.

(e) The use of tarps or other temporary cover material for vehicle covers, canopies, enclosures, screens, and/or awnings is prohibited in any outdoor/open area visible from any public right-of-way.

(2) Roofs. (a) Excluding emergency repairs, it is prohibited to use temporary cover, including tarps, for roof and building repairs.

(b) The use of temporary cover may be allowed on a temporary basis for emergency repairs, in order to protect structures and contents therein from rain and moisture. A permit is not required; however, temporary cover must be securely attached to the structure, must be free of holes and tears, and must be removed no later than the time necessary to effectuate permanent repairs. The city manager or his designee may allow a property owner a period not to exceed sixty (60) days within which to remove temporary cover from, and make permanent repairs to, the structure.

(3) Boarding of doors and windows. All damaged or missing windows and doors shall be boarded in an approved manner to prevent entry by unauthorized persons and shall be painted to correspond to the color of the existing structure.

(a) Boarding standards. (I) Materials.

(A) Boarding sheet material shall be minimum one half inch (1/2") (12.7 mm) thick wood structural panels complying with the International Building Code.

(B) Boarding framing material shall be minimum nominal two by four inch (2" x 4") (51 mm by 102 mm) solid sawn lumber complying with the International Building Code.

(C) Boarding fasteners shall be minimum 3/8-inch (9.5 mm) diameter carriage bolts of such a length as required to penetrate the assembly and as required to adequately attach the washers and nuts. Washers and nuts shall comply with the International Building Code.

ii. Installation.

(A) Boards shall not be installed on the exterior of the structure.

(B) The boarding sheet material shall be cut to fit the door or window opening neatly or shall be cut to provide an equal overlap at the perimeter of the door or window.

(C) The window shall be opened to allow the carriage bolt to pass through or the window sash shall be removed and stored. The two by four inch (2" x 4") (51 mm by 102 mm) strong back framing material shall be cut minimum two inches (2") (51 mm) wider than the window opening and shall be placed on the inside of the window opening six inches (6") minimum above the bottom and below the top of the window opening. The framing and boarding shall be predrilled. The assembly shall be aligned and the bolts, washers and nuts shall be installed and secured.

(D) The door opening shall be framed with minimum two by four inch (2" x 4") (51 mm by 102 mm) framing material secured at the entire perimeter and vertical members at a maximum of twenty four inches (24") (610 mm) on center. Blocking shall also be secured at a maximum of forty eight inches (48") (1219 mm) on center vertically. Boarding sheet material shall be secured with screws and nails alternating every six inches (6") (152 mm) on center.

(E) Doors shall be secured by the same method as for windows or door openings. One door to the structure shall be available for authorized entry and shall be secured and locked in an approved manner.

(b) Unoccupied buildings. (i) Boarding or other securing of a building or structure shall only be permitted for a period of no greater than six (6) months.

(ii) After an unoccupied building has been boarded for six months, the owner or his authorized representative or contractor must submit to the codes department at least one (1) of the following:

(A) A detailed plan for the correction, repair, or rehabilitation of the doors, windows, and other openings by the conventional method used in the original construction and design of the building or structure;

(B) A detailed plan for sale of the property to another person or entity with provision in the sale of correction, repair, or rehabilitation; or

(C) Application for all appropriate permits for such work.

(c) Occupied buildings. No occupied building shall be permitted to be boarded for a period greater than sixty (60) days.

(d) Extensions. Any extension of time permitted for boarding shall require a showing by the owner that conditions or events beyond the owner's control exist, including but not limited to, inability to obtain financing for repair or rehabilitation, unanticipated delays in construction or rehabilitation, or unanticipated damage to the property. Extensions may be deemed permanent by the city manager or his designee if the boarding meets the standards outlined in this chapter, and the conditions beyond the owner's control are determined to be ongoing. (as added by Ord. # 16-09, June 2016, and replaced by Ord. #16-19, Nov. 2016)

**13-212. Enforcement.** (1) City manager or his designee—designation; powers and duties. The "city manager or his designee" shall be such municipal, county, or state officer as the city manager shall appoint or designate to

administer and enforce health and sanitation regulations within the municipality.

The city manager or his designee is hereby charged with the duty of administering the applicable standards set forth in this title and securing compliance with the minimum property maintenance standards set forth in this title. The city manager or his designee is hereby authorized to:

(a) Conduct inspections or take other appropriate action to require compliance with this title;

(b) Issue a citation or complaint for offenses relating to code violations under provisions of Tennessee Code Annotated, § 7-63-101, it being in the public interest that violators be brought before the city court for enforcement action; and

(c) Initiate any and all other criminal or civil enforcement action as may be authorized by law to require compliance with this title.

(2) Verbal warning. (a) The city manager or his designee shall serve notice of violation of this chapter, except when a dwelling or structure has been determined to be unfit for occupation or use (see § 13-304), when there is a repeat violation, or when emergency circumstances exist.

(b) Whenever the city manager or his designee determines that there has been a violation of this chapter or has grounds to believe that a violation has occurred, the city manager or his designee shall make verbal contact with the property owner, tenant or responsible party, and educate him/her on the property maintenance regulations.

(c) In instances where a verbal warning cannot be made, a door-hanger warning shall be left on the premises.

(d) A period of three (3) days shall be provided by the city manager or his designee for the property owner, tenant, or responsible party to correct the offense.

(e) After the three (3) day period has expired, a re-inspection shall be conducted by the city manager or his designee in order to verify compliance.

(3) Notice of violation. (a) If upon re-inspection the violation has not been corrected, a notice of violation shall be provided to the owner, occupant, or person or entity in control of the building, structure, or premises where the violation or alleged violation exists. Should the city manager or his designee determine that cumulative violations exist so as to render a dwelling or structure, as defined at Tennessee Code Annotated, title 13, chapter 21 (Tennessee Code Annotated, § 13-21-101 et seq.), unfit for human habitation, occupation, or use, notice and enforcement of this chapter shall be as prescribed in § 13-304 of this title. Otherwise notice shall:

(i) Be in writing;

(ii) Include a description of the building, structure or premises sufficient for identification;

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

(iv) Include an order to correct the violation within ten (10) days, excluding Saturdays, Sundays, and legal holidays to make the repairs and/or improvements required to bring the building, structure, or premises into compliance with this chapter;

(v) Include the city manager or his designee's address and telephone number;

(vi) Include a cost estimate for remedying the noted condition, which shall be in conformity with the standards of cost in the city;

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

(viii) Be personally delivered by the city manager or his designee or sent by certified or first-class mail addressed to the last known address; and

(ix) If notice sent by certified or first class mail is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the building, structure, or premises affected by such notice.

(4) Prosecution of violation. (a) After the notice of violation has been delivered, the property owner may be subject to fines of up to fifty dollars (\$50.00) a day. Each day that a violation continues shall be deemed a separate offense. If the property owner fails or refuses to remedy the condition within ten (10) days after receiving the notice of violation, the city manager or his designee may cause grass, weeds, and other overgrown vegetation on property to be corrected at a cost in conformity with reasonable standards and the cost thereof assessed against the owner of the property. The city may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The city may bring one (1) action for debt against more than one (1) or all of the owners of properties against whom such costs have been assessed, and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. Upon the filing of the notice with the office of the register of deeds of Marshall County, the costs shall be a lien on the property in favor of the City of Lewisburg, second only to liens of the state, county and municipality for taxes, any lien of the city for special assessments, and any valid lien, right or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the city tax collector at the same time and in the same

manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes.

(5) Appeal. The owner of record who is aggrieved by the determination made pursuant to the notice of violation subsection may appeal the determination and order to the city council. The appeal shall be filed within ten (10) days following the receipt of the notice issued. The failure to appeal within this time shall, without exception, constitute a waiver of the right to a hearing.

(6) Judicial review. Any person aggrieved by an order or act of the city council may seek judicial review of the order or act. The time period established in the notice of violation section above shall be stayed during the pendency of judicial review.

(7) Prosecution of repeat violation. Whenever the city manager or his designee determines that there has been a repeat violation of this chapter or has grounds to believe that a repeat violation has occurred, the city manager or his designee shall forego the issuance of a notice of violation and immediately institute the appropriate proceeding at law or in equity to restrain, enjoin, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building, structure or premises in violation of this chapter.

(8) Violation—extensions. Extensions for the time allowed for correction of violations of this title may be granted if necessary repairs are temporarily delayed due to practical difficulties. A written request addressed to the city manager or his designee, including the address of the property, brief explanation of why an extension is being requested and a reasonable estimated time frame for when the completion of repairs will be made must be received before the time allowed for compliance has expired.

(9) Violation—modifications. Where practical difficulties are prohibitive in carrying out the provisions of this code, the city manager or his designee has the authority to grant modifications for individual cases. The modification shall be in compliance with the intent and purpose of this title, and shall not lesson health, life and fire safety requirements. The basis for granting modifications shall be recorded and entered in the department files.

(10) Supplemental nature of this section. The provisions of this section are in addition and supplemental to, and not in substitution for, any other provision in the city charter, city code, or other applicable law which permits the city to proceed against an owner, tenant or occupant of property who has created, maintained, or permitted to be maintained on such property the growth of trees, vines, grass, weeds, underbrush and/or the accumulation of the debris, trash, litter, or garbage or any combination of the preceding elements, under its charter, any other provisions of this municipal code of ordinances or any other applicable law. (as added by Ord. #16-19, Nov. 2016)



## CHAPTER 3

### CHARACTERISTIC PROPERTY MAINTENANCE STANDARDS

#### SECTION

- 13-301. Scope.
- 13-302. Junkyards.
- 13-303. Enforcement of Junkyard regulations.
- 13-304. Structures unfit for human habitation.
- 13-305. Findings of board.
- 13-306. "City manager or his designee" designated; powers.
- 13-307. Initiation of proceedings; hearings.
- 13-308. Orders to owners of unfit structures.
- 13-309. When city manager or his designee may repair, etc.
- 13-310. When city manager or his designee may remove or demolish.
- 13-311. Lien for expenses; sale of salvage materials; other powers not limited.
- 13-312. Basis for a finding of unfitness.
- 13-313. Service of complaints or orders.
- 13-314. Enjoining enforcement of orders.
- 13-315. Additional powers of city manager or his designee.
- 13-316. Powers conferred are supplemental.
- 13-317. Structures unfit for human habitation deemed unlawful.
- 13-318. Display of goods
- 13-319. Duty to maintain property.
- 13-320. Declaration of public nuisance.
- 13-321. Exemptions.
- 13-322. Location of personal property to be sold.
- 13-323. Inside storage.
- 13-324. License/permit.
- 13-325. Nuisances.
- 13-326. Penalty and notice.

**13-301. Scope.** Every person, either as owner or occupant of any land or structures described in this chapter, shall maintain said land or structure in compliance with the requirements of this chapter. Following are specific standards established for unique situations within the City of Lewisburg. Unlike "General Property Maintenance Standards," enforcement procedures and penalties are outlined within each section for each individual situation. (1985 Code, § 4-601, modified, as replaced by Ord. #16-09, June 2016, and Ord. #16-19, Nov. 2016)

**13-302. Junkyards.** All junkyards within the corporate limits shall be operated and maintained subject to the following regulations:

- (1) All junk stored or kept in such yards shall be so kept that it will not catch and hold water in which mosquitoes may breed and so that it will not

constitute a place, or places in which rats, mice, or other vermin may be harbored, reared, or propagated.

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

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. (1985 Code, § 4-601, modified, as replaced by Ord. #16-09, June 2016, and Ord. #16-19, Nov. 2016)

**13-303. Enforcement of junkyard regulations.** The above junkyard regulations shall be enforced as outlined in § 13-211. (1985 Code, § 4-602, modified, as replaced by Ord. #16-09, June 2016, and Ord. #16-19, Nov. 2016)

**13-304. Structures unfit for human habitation (formerly "slum clearance").** This section is intended to address structures that are unfit for human occupancy or use pursuant to Tennessee Code Annotated, §§ 13-21-101, et seq. Unlike minor violations addressed within Chapter 2 of this Ordinance, this section deals with properties in major disrepair that may need to be demolished in order to insure the health and safety of the general public. (1985 Code, § 4-601, modified, as replaced by Ord. #16-09, June 2016, and Ord. #16-19, Nov. 2016)

**13-305. Findings of board.** Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., the city council finds that there exists in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city. (1985 Code, § 4-601, modified, as replaced by Ord. #16-09, June 2016, and Ord. #16-19, Nov. 2016)

**13-306. "City manager or his designee" designated; powers.** There is hereby designated and appointed a "city manager or his designee," to be the city manager of the city, or the person appointed and designated by the city manager, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the city manager. (1985 Code, § 4-601, modified, as replaced by Ord. #16-09, June 2016, and Ord. #16-19, Nov. 2016)

**13-307. Initiation of proceedings; hearings.** Whenever a petition is filed with the city manager or his designee by a public authority or by at least five (5) residents of the city charging that any structure is unfit for human occupancy or use, or whenever it appears to the city manager or his designee (on his own motion) that any structure is unfit for human occupation or use, the city

manager or his designee shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the city manager or his designee (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the city manager or his designee. (1985 Code, § 4-601, modified, as replaced by Ord. #16-09, June 2016, and Ord. #16-19, Nov. 2016)

**13-308. Orders to owners of unfit structures.** If, after such notice and hearing as provided for in the preceding section, the city manager or his designee determines that the structure under consideration is unfit for human occupation or use, he shall state in writing his finding of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

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

(2) If the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed fifty percent (50%) of the value of the premises), requiring the owner within the time specified in the order, to remove or demolish such structure. (1985 Code, § 4-601, modified, as replaced by Ord. #16-09, June 2016, and Ord. #16-19, Nov. 2016)

**13-309. When city manager or his designee may repair, etc.** If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the city manager or his designee may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the city manager or his designee may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful." (1985 Code, § 4-601, modified, as replaced by Ord. #16-09, June 2016, and Ord. #16-19, Nov. 2016)

**13-310. When city manager or his designee may remove or demolish.** If the owner fails to comply with an order, as specified above, to

remove or demolish the structure, the city manager or his designee may cause such structure to be removed and demolished. (1985 Code, § 4-601, modified, as replaced by Ord. #16-09, June 2016, and Ord. #16-19, Nov. 2016)

**13-311. Lien for expenses; sale of salvaged materials; other powers not limited.** The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the city manager or his designee shall be assessed against the owner of the property, and shall upon the filing of the notice with the office of the Register of Deeds of Marshall County, be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the municipal tax collector or county trustee at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. In addition, the municipality may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The municipality may bring one (1) action for debt against more than one (1) or all of the owners of properties against whom said costs have been assessed and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. If the structure is removed or demolished by the city manager or his designee, he shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the chancery court of Marshall County by the city manager or his designee, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court. Nothing in this section shall be construed to impair or limit in any way the power of the City of Lewisburg to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (1985 Code, § 4-601, modified, as replaced by Ord. #16-09, June 2016, and Ord. #16-19, Nov. 2016)

**13-312. Basis for a finding of unfitness.** The city manager or his designee defined herein shall have the power and may determine that a structure is unfit for human occupation and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the City of Lewisburg. Such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation;

disrepair; structural defects; or uncleanliness. (1985 Code, § 4-601, modified, as replaced by Ord. #16-09, June 2016, and Ord. #16-19, Nov. 2016)

**13-313. Service of complaints or orders.** Complaints or orders issued by the city manager or his designee pursuant to this chapter shall be served upon persons, either personally or by registered mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the city manager or his designee in the exercise of reasonable diligence, and the city manager or his designee shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the city. In addition, a copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register's Office of Marshall County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (1985 Code, § 4-601, modified, as replaced by Ord. #16-09, June 2016, and Ord. #16-19, Nov. 2016)

**13-314. Enjoining enforcement of orders.** Any person affected by an order issued by the city manager or his designee served pursuant to this chapter may file a bill in chancery court for an injunction restraining the city manager or his designee from carrying out the provisions of the order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the city manager or his designee pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the city manager or his designee, such person shall file such bill in the court. The remedy provided herein shall be the exclusive remedy and no person affected by an order of the city manager or his designee shall be entitled to recover any damages for action taken pursuant to any order of the city manager or his designee, or because of noncompliance by such person with any order of the city manager or his designee. (1985 Code, § 4-603, modified, as replaced by Ord. #16-09, June 2016, and Ord. #16-19, Nov. 2016)

**13-315. Additional powers of city manager or his designee.** The city manager or his designee, in order to carry out and effectuate the purposes and provisions of this chapter, shall have the following powers in addition to those otherwise granted herein:

- (1) To investigate conditions of the structures in the city in order to determine which structures therein are unfit for human occupation or use;
- (2) To administer oaths, affirmations, examine witnesses and receive evidence;
- (3) To enter upon premises for the purpose of making examination, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession;

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

(5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (as added by Ord. #16-09, June 2016, and replaced by Ord. #16-19, Nov. 2016)

**13-316. Powers conferred are supplemental.** This chapter shall not be construed to abrogate or impair the powers of the city with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws. (as added by Ord. #16-09, June 2016, and replaced by Ord. #16-19, Nov. 2016)

**13-317. Structures unfit for human habitation deemed unlawful.** It shall be unlawful for any owner of record to create, maintain or permit to be maintained in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city.

Violations of this section shall subject the offender to a penalty of up to five hundred dollars (\$500.00) for each offense. Each day a violation is allowed to continue shall constitute a separate offense. (as added by Ord. #16-09, June 2016, and replaced by Ord. #16-19, Nov. 2016)

**13-318. Display of goods.** The purpose of this section is to permit certain displays in front of stores, to assist merchants to market their merchandise and goods, and to enhance the vitality and commerce of the City of Lewisburg.

It is the express purpose of this chapter to provide for and promote the health, safety, and welfare of the general public, and not to create or otherwise establish or designate a particular class or group of persons who will or should be specially protected, harmed, benefitted or damaged by the terms of this chapter.

It is the special intent of this chapter to place the obligation of complying with its requirements upon persons owning, renting, leasing or possessing the property and no term used in this chapter is intended to impose any duty upon the city, its officers and employees, for whom enforcement or implementation of this chapter shall be discretionary and not mandatory.

Nothing in this chapter is intended to be, nor shall be, construed to create or form the basis for any liability on the city, its officers and employees or agents, for any injury or damage resulting from the failure of a person to comply

with this chapter, or by reason of any action or inaction by the city related in any manner to the enforcement of this chapter by its officers, employees or agents. (as added by Ord. #16-09, June 2016, and replaced by Ord. #16-19, Nov. 2016)

**13-319. Duty to maintain property.** No owner shall maintain or allow to be maintained on such premises any of the following conditions visible from any public street: Personal property. (as added by Ord. #16-09, June 2016, and replaced by Ord. #16-19, Nov. 2016)

**13-320. Declaration of public nuisance.** Any property found to be maintained or kept in violation of this chapter shall be declared to be a public nuisance and shall be abated by rehabilitation, removal, demolition or repair. (as added by Ord. #16-09, June 2016, and replaced by Ord. #16-19, Nov. 2016)

**13-321. Exemptions.** Nothing in § 13-402 of this chapter shall be applicable to automotive dealers licenses by the State of Tennessee, and retailers of new merchandise or farm equipment, and yard sales conducted pursuant to ordinance #99-09. (as added by Ord. #16-09, June 2016, and replaced by Ord. #16-19, Nov. 2016)

**13-322. Location of personal property to be sold.** (1) All personal property for sale shall be displayed within the building setback lines as prescribed by the city's zoning ordinance #90-4.

(2) No personal property shall be placed on any sidewalk adjacent to any premises. (as added by Ord. #16-09, June 2016, and replaced by Ord. #16-19, Nov. 2016)

**13-323. Inside storage.** All personal property shall be placed inside a building from sunset to sunrise. (as added by Ord. #16-09, June 2016, and replaced by Ord. #16-19, Nov. 2016)

**13-324. License/permit.** No person shall sell or attempt to sell personal property from any premises without obtaining the applicable license or permit from the city. (as added by Ord. #16-09, June 2016, and replaced by Ord. #16-19, Nov. 2016)

**13-325. Nuisances.** No person shall maintain or keep any nuisance on any premises, nor shall any person keep or maintain a premises in a manner causing substantial diminution in the value or other property in the neighborhood in which the premises is located. (as added by Ord. #16-09, June 2016, and replaced by Ord. #16-19, Nov. 2016)

**13-326. Penalty and notice.** Any person found guilty of violating any provision of this chapter is subject to a penalty of not more than five hundred dollars (\$500.00) and each day of violation shall be considered a separate violation subject to such penalty.

In addition to the penalty provided for in this section, the city may serve written notice ("notice") that any violation of this chapter shall be abated. (as added by Ord. #16-09, June 2016, and replaced by Ord. #16-19, Nov. 2016)



## CHAPTER 4

### DEFINITIONS

#### SECTION

13-401. Definitions.

13-402--13-410. Deleted.

**13-401. Definitions.** Definitions. When used in this title, the following terms shall have the following meanings, unless the content clearly otherwise requires:

(1) "Accessory use or structure." A use or structure of a nature customarily incidental and subordinate to the principal use or structure, and, on the same premises. On the same premises with respect to accessory uses and structures shall be construed as meaning on the same lot or on a contiguous lot in the same ownership. Where a building is attached to the principal building, it shall be considered a part thereof, and not an accessory structure.

(2) "Attic." Any story situated wholly or partly in the roof, so designated, arranged or built to be used for storage or uninhabitable space.

(3) "Boarding." The placement of plywood or some type of construction material as a temporary barrier to cover and obscure a window, storefront or access to a structure.

(4) "Building." A structure of any kind, which is built or constructed of parts joined together in some definite manner, which requires a fixed location on, or in the ground attached to something having a fixed location on or in the ground.

(5) "City." The City of Lewisburg, Tennessee.

(6) "Condemnation." The declaration by the city manager or his designee or designee that a property or structure is unfit for use or habitation or dangerous to person or other property.

(7) "City manager." City manager or his designee.

(8) "Corridors." East and West Commerce Streets, Cornersville Road, and Verona Road (2nd Avenue and Nashville Highway) extended to the municipal boundaries and all of Ellington Parkway (by-pass), but specifically excluded is that area designated as the downtown area as described in ordinance #98-02.

(9) "Debris." Any material which is stored externally or internally and shall include, but not be limited to the following: discarded household items; inoperative or discarded machinery, automobiles or appliances; refuse, rubbish, trash or junk; used scrap or discarded lumber, pipe, steel, plumbing fixtures, insulation, and other building material.

(10) "Deterioration." A lowering in quality in the condition or appearance of a building or parts thereof, characterized by holes, breaks, rot, cracking, peeling, rusting, mold/mildew, graffiti or any other evidence or physical decay

or neglect, or excessive use, or lack of maintenance, including the landscaping and parking areas.

(11) "Dilapidated." Substantial deterioration of a building or parts thereof, such that said building, or a portion thereof, is no longer adequate for the purpose or use for which it was originally intended.

(12) "Dwelling." Any building or structure, or part thereof, used and occupied for human occupation or use or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

(13) "Dwelling unit." A single unit within a building providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

(14) "Garbage." Any animals or vegetable waste resulting from the handling, preparation, cooking, and consumption of food, including food containers of any type.

(15) "Governing body." The city council charged with governing the city.

(16) "Habitable room." A space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, screen enclosures, storage or utility space, and similar areas are not considered habitable space.

(17) "Improved property." Real property, which contains a building(s) or other structural improvements.

(18) "Infestation." The presence within or around a structure of insects, rodents, or pests, which are detrimental to the public health, safety, and general welfare of the residents or occupants, or neighboring properties.

(19) "Inoperative vehicle(s)." Vehicles or trailers of any type that are not immediately operable, used for the purpose for which they were manufactured, in need of mechanical or electrical repairs or the replacement of parts, or does not have current valid license plates.

(20) "Junk" Discarded, broken, or disabled material or goods, including but not limited to, furniture, appliances, tools, machinery, vehicles, vehicle parts, tires and accessories, or other items that are not in functioning order.

(21) "Junk yards." Business regulated by § 13-302 of the municipal code.

(22) "Municipal boundaries." The limits of the City of Lewisburg, Tennessee as they now exist or as they may hereinafter change.

(23) "Municipal code." Municipal Code of the City of Lewisburg, Tennessee.

(24) "Municipality," The City of Lewisburg, Tennessee, and the areas encompassed within existing city limits or as hereafter annexed.

(25) "Nonresidential structure." Any structure that is not a residential structure. This term shall include, but is not limited to, any occupied or unoccupied structure, commercial structures or buildings, mixed use buildings or structures that include both dwelling units and office or retail combinations, and every other structure that is not a dwelling.

(26) "Nuisance." Unsanitary conditions or anything offensive to the senses or dangerous to health.

(27) "Occupant." Any person living, sleeping, cooking or eating in, working within, or having actual possession of a dwelling unit, within the confines of any building or structure.

(28) "Owner." The holder of title in fee simple and every mortgagee of record, and shall also mean any lessee, tenant or other person having control or possession of the property and/or personal property.

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

(30) "Person." Any individual, firm, corporation, association, partnership or other entity.

(31) "Personal property." All personal property customarily used or kept inside buildings, including but not limited to, office and household furniture, appliances, and equipment, recreational and fitness apparatus and equipment, clothes, etc.

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

(33) "Premises." A lot, plot or parcel of land, or portion thereof, including the buildings or structures thereon.

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

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

(36) "Residential structures." Any dwelling unit or structure where any part is used or intended to be used for living, sleeping, cooking or eating.

(37) "Rubbish." Any waste material other than garbage.

(38) "Signs." Signs as provided for in ordinance #98-02.

(39) "Stairway." One (1) or more flights or stairs and the necessary landings and platforms which form a continuous and uninterrupted passage from one story to another, within or attached to the exterior of a building or structure.

(40) "Story." That portion of a building including between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be the portion of a building, included between the upper surface of the topmost floor and the ceiling or roof above.

(41) "Structure." Any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation.

(42) "Substandard." Any residential or commercial building or structure used as a dwelling unit which is so damaged, decayed, dilapidated, or vermin infested that it creates a hazard to the health or safety of the occupants/public. Any such unit which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants/public shall be considered to be unsafe, and unsanitary, as well as unfit for human habitation and therefore substandard, except that it shall not be deemed substandard if built and maintained in accordance with the building code at the time of construction.

(43) "Tarpaulin (tarp)." A piece of cloth or other material used for protecting or covering exposed objects or areas.

(44) "Ventilation." The process of supplying and removing air by natural or mechanical means to or from any structure, building or dwelling.

(45) "Weatherproof." Able to withstand exposure to weather without damage or loss of function.

(46) "Weathertight." Able to exclude wind and rain under typical local weather conditions.

(47) "Yard." An open, unoccupied space on the same lot with a building, structure or dwelling.

(48) "Zoning ordinance." The comprehensive zoning ordinance (or land development code). (as added by Ord. #00-02, § 1, April 2000, and replaced by Ord. #16-09, June 2016, and Ord. #16-19, Nov. 2016)

**13-402--13-410. Deleted.** (as deleted by Ord. #16-09, June 2016)

**CHAPTER 5**

**DELETED**

(this chapter was deleted by Ord. #16-09, June 2016)

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

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. FLOOD DAMAGE PREVENTION ORDINANCE.
4. DESIGN STANDARDS FOR THE DOWNTOWN AREA OF LEWISBURG.
5. SIGN CODE.

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

- 14-101. Creation and membership.
- 14-102. Organization, powers, duties, etc.
- 14-103. Additional powers.
- 14-104. Planning staff approval.

**14-101. Creation and membership.** Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of seven (7) members; one (1) of these shall be the mayor or a person designated by the mayor; one (1) shall be a councilman selected by the city council; the other five (5) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the five (5) members appointed by the mayor shall be for three (3) years each. The five (5) members first appointed shall be appointed for the terms of one (1), two (2), and three (3) years respectively so that the term of two (2) members expires each year. The terms of the councilmen selected by the city council shall run concurrently with their office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor, who shall also have the authority to remove any appointive member at his pleasure. (1985 Code, § 11-101, as replaced by Ord. #05-07, Sept. 2005, Ord. #12-09, Nov. 2012, and Ord. #17-09, Dec. 2017)

**14-102. Organization, powers, duties, etc.** The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with Tennessee Code Annotated, title 13. (1985 Code, § 11-102)

**14-103. Additional powers.** Having been designated as a regional planning commission, the planning commission shall have the additional powers

granted by, and shall otherwise be governed by the provisions of the state law relating to regional planning commissions. (1985 Code, § 11-103)

**14-104. Planning staff approval.** The planning staff shall have the ability to approve five (5) or less lots of subdivision plats. (as added by Ord. #22-26, Oct. 2022 ***Ch15\_06-28-23***)

## CHAPTER 2

### ZONING ORDINANCE

#### SECTION

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

**14-201. Land use to be governed by zoning ordinance.** Land use within the City of Lewisburg shall be governed by the official zoning ordinance #15-03 adopted February 2015, titled "Zoning Ordinance, Lewisburg, Tennessee," and any amendments thereto.<sup>1</sup> (1985 Code, § 11-201, as replaced by Ord. #15-03, Feb. 2015)

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<sup>1</sup>The zoning ordinance and any amendments thereto, are published as separate documents and are of record in the office of the city codes officer.



## CHAPTER 3

### FLOOD DAMAGE PREVENTION ORDINANCE

#### SECTION

- 14-301. Statutory authorization.
- 14-302. Purpose and findings of fact.
- 14-303. Definitions.
- 14-304. General provisions.
- 14-305. Administration.
- 14-306. Provisions for flood hazard reduction.
- 14-307. Variance procedures.
- 14-308. Legal status provisions.

**14-301. Statutory authorization.** The Legislature of the State of Tennessee has in §§ 13-7-201 through 13-7-210, Tennessee Code Annotated, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Lewisburg, Tennessee, mayor and the city council, do ordain as follows: (as added by Ord. #07-06, Aug. 2007, as replaced by Ord. #21-11, 2021 *Ch14\_03-08-22*)

**14-302. Purpose and findings of fact.** (1) Purpose. It is the purpose of this ordinance to:

- (a) Minimize danger to life and property due to flooding;
- (b) Maintain eligibility for participation in the National Flood Insurance Program;
- (c) Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
- (d) Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;
- (e) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
- (f) Control filling, grading, dredging and other development which may increase flood damage or erosion;
- (g) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.
- (h) To minimize expenditure of public funds for costly flood control projects;
- (i) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

- (j) To minimize prolonged business interruptions;
  - (k) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodprone areas;
  - (l) To ensure that potential homebuyers are notified that property is in a floodprone area.
  - (m) To maintain eligibility for participation in the NFIP.
- (2) Findings of fact. (a) The City of Lewisburg, Tennessee, Mayor and its Legislative Body wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.
- (b) Areas of the City of Lewisburg, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (c) Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages. (as added by Ord. #07-06, Aug. 200, as replaced by Ord. #21-11, 2021 **Ch14\_03-08-22 7**)

**14-303. Definitions.** For the purpose of this chapter, the following definitions shall apply: words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined in this section shall have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

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

- (a) Accessory structures shall only be used for parking of vehicles and storage.
- (b) Accessory structures shall be designed to have low flood damage potential.
- (c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

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

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

(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 or height of a building.

(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 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" see "special flood hazard area."

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

(9) "Basement" means any 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" 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 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 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 land masses. This peril is not "per se" covered under the program.

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

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

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

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

(24) "Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by FEMA, 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 FEMA, 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 FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

(27) "Floodplain" or "floodprone 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 and structures and their contents.

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

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

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

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

(35) "Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

(36) "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.

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

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

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

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

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

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

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

(ii) Directly by the Secretary of the Interior.

(39) "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.

(40) "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.

(41) "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.

(42) "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."

(43) "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.

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

(45) "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 the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which Base Flood Elevations shown on a community's flood insurance rate map are referenced.

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

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

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

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

(50) "100-year flood" see "base flood."

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

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

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

(57) "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.

(58) "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.

(59) "State coordinating agency" the Tennessee Emergency Management Agency, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the state.

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

(61) "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.

(62) "Substantial improvement" means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be

- The appraised value of the structure prior to the start of the initial improvement, or
- In the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either:

- Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or;
- Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure".

(63) "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.

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

(65) "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.

(66) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas. (as added by Ord. #07-06, Aug. 2007, as replaced by Ord. #21-11, 2021 ***Ch14\_03-08-22***)

**14-304. General provisions.** (1) Application. This chapter shall apply to all areas within the incorporated area of the City of Lewisburg, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified in the City of Lewisburg, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and most recent Flood Insurance Rate Maps (FIRM), along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance. This includes FIRM maps, or portions thereof, for the City of Lewisburg and Marshall County, Tennessee.

(3) Requirement for development permit. A development permit shall be required in conformity with this chapter prior to the commencement of any development activities. the land disturbance permit shall serve as the development permit when a land disturbance permit is required. The building permit shall serve as the development permit when a land disturbance permit is not required.

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

(9) Right of entry. The City of Lewisburg, or its designees or agents, shall have the lawful right of entry onto any project for the purpose of determining compliance with the provisions of this chapter. Determining compliance with the provisions of this chapter may include inspection of construction, commercial, or industrial facilities, inspection of flood proofing structures, investigation of flood related complaints, or any other reasonable purpose that is deemed necessary for the enforcement of this chapter. Right of entry shall not include entry into any finished buildings on a property without the permission of the building's owner or occupants. (as added by Ord. #07-06, Aug. 2007, as replaced by Ord. #21-11, 2021 ***Ch14\_03-08-22***)

**14-305. Administration.** (1) Designation of ordinance administrator. The planning director or their duly appointed designee 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 base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this chapter.

(ii) Elevation in relation to mean sea level to which any non-residential building will be floodproofed where base flood

elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.

(iii) A FEMA floodproofing certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in § 14-306(1) and (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 AE Zones, where base flood elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a Tennessee registered land surveyor and certified by same. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by or under the direct supervision of a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where base flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by or under the direct supervision of a Tennessee registered professional engineer or architect and certified by same.

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

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

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

(a) Review 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) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including section 404 of the

Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

(c) Notify adjacent affected communities prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.

(d) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the letter of map revision process.

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

(f) Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with § 14-305(2).

(g) Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with § 14-305(2).

(h) When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with § 14-305(2).

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

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

(k) Maintain all records pertaining to the provisions of this ordinance in the office of the administrator and make accessible 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. (as added by Ord. #07-06, Aug. 2007, as replaced by Ord. #21-11, 2021 ***Ch14\_03-08-22***)

**14-306. Provisions for flood hazard reduction.** (1) General standards. In all areas of special flood hazard, the following provisions are required:

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

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

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

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

(e) All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

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

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

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

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

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

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

(l) All subdivision proposals and other proposed new development proposals shall meet the standards of § 14-306(2);

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

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

(o) To mitigate flood hazard potential, all fill material that is placed in an area of special flood hazard at or below the base flood elevation must be offset by an equal volume of cut material removed from the same approximate elevation as the fill and must be removed from the area of special flood hazard completely.

(p) Fill material placed for a structure shall extend twenty-five feet (25') beyond the limits of any structure erected thereon before dropping below the base flood elevation. Minimum fill elevation shall be to at least the base flood elevation. Fill shall consist of soil or rock material only and shall be thoroughly compacted to prevent excessive settlement and shall be protected from erosion. Fill slopes shall not be steeper than two feet (2') horizontal to one foot (1') vertical unless steeper slopes are justified and approved by the planning department.

(2) Specific standards. In all areas of special flood hazard, the following provisions, in addition to those set forth in § 14-306(1), are required:

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

Within approximate A Zones where Base Flood Elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-303). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

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

both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

In approximate A Zones, where base flood elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three feet (3') above the highest adjacent grade (as defined in § 14-303). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

Non-residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above and shall provide such certification to the administrator as set forth in § 14-305(2).

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

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

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

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

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

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

(iii) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to



impede the movement of floodwaters and all such partitions shall comply with the provisions of § 14-306(2).

(d) Standards for manufactured homes and recreational vehicles. (i) All manufactured homes placed, or substantially improved, on:

(A) Individual lots or parcels,

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

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

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

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

(B) In approximate A Zones, without base flood elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three feet (3') in height above the highest adjacent grade (as defined in § 14-303).

(iii) Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of §§ 14-306(1) and (2).

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

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

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

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

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

(e) Standards for subdivisions and other proposed new development proposals subdivisions and other proposed new

developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

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

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

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

(iv) In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data (See § 14-306(5)).

(3) Standards for special flood hazard areas with established base flood elevations and with floodways designated. Located within the special flood hazard areas established in § 14-304(2), are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

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

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of §§ 14-306(1) and (2).

(4) Standards for areas of special flood hazard Zones AE with established base flood elevations but without floodways designated. Located within the special flood hazard areas established in § 14-304(2), where streams

exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

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

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of §§ 14-306 (1) and (2).

(5) Standards for streams without established base flood elevations and floodways (A Zones). Located within the special flood hazard areas established in § 14-304(2), where streams exist, but no base flood data has been provided and where a floodway has not been delineated, the following provisions shall apply:

(a) The administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other sources, including data developed as a result of these regulations (see (b) below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of §§ 14-306 (1) and (2).

(b) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data.

(c) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-303). All applicable data including elevations or floodproofing certifications shall be recorded as set forth § 14-305(2). Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of § 14-306(2).

(d) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20'), whichever is greater, measured from the top of the stream

bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the City of Lewisburg, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(e) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of §§ 14-306 (1) and (2). Within approximate A Zones, require that those subsections of § 14-306(2) dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

(6) Standards for areas of shallow flooding (AO and AH Zones). Located within the established in § 14-304(2), are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' - 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in §§ 14-306(1) and (2), apply:

(a) All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one foot (1') above the depth number specified on the FIRM, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three feet (3') above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of § 14-306(2).

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

certification to the administrator as set forth above and as required in accordance with § 14-305(2).

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

(7) Standards for areas protected by flood protection system (A-99 Zones). Located within the areas of special flood hazard established in § 14-304(2), are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations have not been determined. Within these areas (A-99 Zones) all provisions of §§ 14-305 14-306 shall apply.

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

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

(b) When a new flood hazard risk zone, and base flood elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with §§ 14-305 and 14-306. (as added by Ord. #07-06, Aug. 2007, as replaced by Ord. #21-11, 2021 *Ch14\_03-08-22*)

**14-307. Variance procedures.** (1) Municipal board of zoning appeals.

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

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

(c) Appeals: how taken. An appeal to the municipal board of zoning appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the administrator based in whole or in part upon the provisions of this chapter. Such appeal shall be taken by filing with the municipal board of zoning appeals a notice of appeal, specifying the

grounds thereof. In all cases where an appeal is made by a property owner or other interested party, an established fee shall be paid by the appellant. The administrator shall transmit to the municipal board of zoning appeals all papers constituting the record upon which the appeal action was taken. The municipal board of zoning appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

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

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

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

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

(B) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this chapter to preserve the historic character and design of the structure.

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Conditions for variances. (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in § 14-307(1).

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

(c) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance coverage, and that such construction below the base flood elevation increases risks to life and property.

(d) The administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request. (as added by Ord. #07-06, Aug. 2007, as replaced by Ord. #21-11, 2021 ***Ch14\_03-08-22***)

**14-308. Legal status provisions.** (1) Conflict with other ordinances. In case of conflict between this chapter or any part thereof, and the whole or part of any existing or future ordinance of the City of Lewisburg, Tennessee, the most restrictive shall in all cases apply.

(2) Severability. If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this chapter which is not of itself invalid or unconstitutional.

(3) Effective date. This chapter shall become effective immediately after its passage, in accordance with the Charter of the City of Lewisburg, Tennessee, and the public welfare demanding it. (as added by Ord. #21-11, 2021 ***Ch14\_03-08-22***)



## CHAPTER 4

### **DESIGN STANDARDS FOR THE DOWNTOWN AREA OF LEWISBURG**

#### **SECTION**

- 14-401. New construction.
- 14-402. Additions and alterations to existing construction.
- 14-403. Miscellaneous.
- 14-404. Demolition or razing of structures.
- 14-405. Building permit.
- 14-406. Enforcement.
- 14-407. Public nuisance.
- 14-408. Deleted.

**14-401. New construction.** (1) The height of a new building shall be a minimum of two (2) stories and a maximum of three (3) stories.

(2) Building façade design and materials shall generally match the design, detailing, and materials of the unaltered historic buildings fronting the square. The following material standards shall apply to building facades that face, or are visible from, a street:

- (a) Permitted primary wall finish materials:
  - (i) Brick veneer
  - (ii) Ashlar stone masonry
  - (iii) Cast stone
- (b) Secondary wall finish materials (for example: window and door surrounds, cornices, etc.)
  - (i) Stucco (authentic)
  - (ii) Cast stone
  - (iii) Finished concrete
  - (iv) Cast iron
  - (v) Pre-finished metal
  - (vi) Finished wood
  - (vii) Fiber-cement panels and trim
  - (viii) Composite panels and trim

(3) Windows, doors, and other openings shall be square or vertically proportioned, with the exception of transoms or decorative windows.

(4) Flat roofs shall include a parapet along the primary street frontage. Sloped roofs shall match the pitch of the existing roof. (Ord. #98-02, July 1998, as replaced by Ord. #18-03, April 2018)

**14-402. Additions and alterations to existing construction.**

(1) Distinctive features, finishes, construction techniques, or examples of craftsmanship that characterize the architectural character of a building shall be preserved whenever reasonably possible.

(2) Deteriorated features shall be repaired rather than replaced whenever reasonably possible. When the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, other visual qualities, and where reasonably possible, materials.

(3) Additions and exterior alterations that front, or are visible from, a street shall be compatible with the existing building in material, color, scale, and architectural features.

(4) Roofs that are visible from a street shall have a form, pitch, and material that closely matches the existing building. (Ord. #98-02, July 1998, as replaced by Ord. #18-03, April 2018)

**14-403. Miscellaneous.** (1) Signage shall be limited to the following types:

(a) Awning - A sign where graphics or letters are directly applied to the awning surface and are an integral part of the awning.

(b) Canopy - A sign where graphics or letter are directly applied to a canopy.

(c) Window - A sign affixed to the inside of a window or door intended to be visible from through the window or door it is affixed to.

(d) Projecting - A sign attached and perpendicular to a building façade that projects more than one foot (1') from the building façade it is attached to.

(e) Wall-mounted-a sign applied to or attached to a building façade that projects more than one foot (1') from the building façade it is attached to.

The design and scale of signage shall be appropriate to the historic character of the downtown. Signage shall not be internally illuminated.

(2) All ground mounted equipment including, but not limited to, HVAC equipment, transformers, and refuse storage areas, shall be screened from adjacent properties and streets by the use of a fence, gate or wall, or shall be enclosed within a building. Acceptable refuse containers may be placed on the sidewalk for pickup, but shall be promptly returned to the screened area or inside the building the day after pick-up. (Ord. #98-02, July 1998, as replaced by Ord. #18-03, April, 2018)

**14-404. Demolition or razing of structures.** (1) Demolition erodes the historic, physical fabric of downtown and may adversely affect the community. Demolition should only be considered after other alternatives including, but not limited to, resale, rehabilitation, and relocation have been determined to be unviable. No contributing structure within the designated area of this ordinance shall be relocated, demolished, or razed without a recommendation from the planning commission and approval by the city council, including a public hearing. A request to demolish a building shall be accompanied by a detailed

plan for the redevelopment of the site including drawings and other information clearly illustrating conformity with the standards of this ordinance. If the city council denies the request, the applicant may file a statement with the codes director that identifies the property, sale price, appraisal, listing date, and agent before making a bona fide offer to sell the building. If, after twelve (12) months, the property has not sold, the owner may obtain a demolition permit. (Ord. #98-02, July 1998, modified, as replaced by Ord. #18-03, April 2018)

**14-405. Building permit.** A building permit must be issued prior to commencement of work to modify, change, improve or alter the exterior of a building. (Ord. #98-02, July 1998, as replaced by Ord. #18-03, April 2018)

**14-406. Enforcement.** In the event any building subject to this Ordinance is proposed to be constructed, reconstructed, modified, changed, improved, altered or repaired in violation of this chapter, the building inspector, in addition to any other remedies, may:

(1) Institute a civil action for injunctive relief to stop, prevent or abate a violation of this chapter.

(2) Issue a stop-work order to prevent a continuing violation of this chapter.

(3) In addition, the violation of this chapter is punishable by a penalty not to exceed five hundred dollars (\$500.00) and each day of continued violation is a separate violation subject to a penalty of not more than five hundred dollars (\$500.00), and such penalty is in addition to any court-ordered injunctive or building inspector stop-work order. (Ord. #98-02, July 1998, as replaced by Ord. #18-03, April 2018)

**14-407. Public nuisance.** Work which proceeds in violation of this chapter, in contravention of a stop-work order, or in disregard of a court ordered injunction, shall be public nuisance. (Ord. #98-02, July 1998, as replaced by Ord. #18-03, April 2018)

**14-408. Deleted.** (Ord. #98-02, July 1998, as deleted by Ord. #18-03, April 2018)

## CHAPTER 5

### SIGN ORDINANCE<sup>1</sup>

#### SECTION

- 14-501. Title and definitions.
- 14-502. Administration, enforcement and fees.
- 14-503. Regulations of signs.
- 14-504. Additional regulations for signs permitted in residential districts.
- 14-505. Additional regulations for signs permitted in commercial districts.
- 14-506. Regulation of billboards.
- 14-507. Non-conforming sign provisions.
- 14-508. Termination of non-conforming structures.
- 14-509. Removal of non-conforming sign.
- 14-510. Protections of First Amendment Rights.
- 14-511. Permits and fees.

**14-501. Title and definitions.** This chapter shall be known as the "Sign Ordinance" of the City of Lewisburg, and cited as such. For the purpose of this chapter, the following terms, phrases and words shall have the following meanings:

(1) "Billboard sign." An advertising sign supported by uprights and/or braces upon which the message may be manually changed and directs attention to a business, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

(2) "City." When used herein shall mean the City of Lewisburg, Marshall County, Tennessee.

(3) "Convenience signs." A sign displayed only for the direction, safety, and convenience of the public, including signs identifying rest rooms, parking area entrances and exits, gas station self-service or full-service pump islands, freight entrances and exit, and other facilities which may require directional signage. These may include logos and/or company names but nothing else other than the required directional information and may include no dumping, no parking, no trespassing and similar signs.

(4) "Display surface." The display surface 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 against which it is placed. The

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<sup>1</sup>This chapter was originally added as the Sign Code by Ord. #99-07, Oct. 1999. It was repealed by Ord. #01-11, Jan. 2002. The present chapter "Sign Ordinance" was added by Ord. #01-12, Jan. 2002.

supports, uprights, or decorative base of a sign shall not be included in determining the display surface area of a sign. The display surface is applicable to each side of a sign if more than one (1) side.

(5) "Flashing sign." A sign, the illumination of which is intermittently on and off so as to flash or blink or the intensity varies so as to appear to flash and blink.

(6) "Government sign." A sign erected and maintained by or for a government entity for the purpose of any government function, or a sign required by law, ordinance, or government regulation.

(7) "Ground sign." A sign (excluding billboards) supported by uprights or braces of any kind upon the ground and permanently affixed thereto.

(8) "Height of sign." The vertical distance measured from the surrounding grade to the highest point of the sign.

(9) "Identification sign." A sign located at the entrance utilized to designate a residential subdivision, commercial, non commercial, industrial or multifamily development.

(10) "Inflatable sign." A temporary inflated sign, which may be stationary or mobile, that is used to attract attention, which may or may not bear a message.

(11) "Lot." A tract of land whose existence, location, boundaries and dimensions are identified as parcel by the Assessor of Property of Marshall 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.

(12) "On-site directional sign." A sign not exceeding four and one-half (4 ½) square feet in display surface directing traffic movement onto a premises or within a premises.

(13) "Non-conforming sign." A sign existing at the effective date of the adoption of this chapter that does not conform with the provisions of this chapter.

(14) "On-site sign." An on-site sign is a sign which directs attention to a business, profession, service or entertainment which is primarily conducted, sold or offered upon the same lot.

(15) "Permanent sign." A sign which is stationary, not capable of being easily moved, and attached to the ground in concrete.

(16) "Portable sign." A portable sign shall include any advertising sign or device, trailer, sign, or any variation thereof, easily moveable, not permanently attached to the ground or a building.

(17) "Projecting sign." An "outdoor advertising display" sign which is affixed to any building, wall or structure and extends beyond the building wall or structure by more than six (6) inches.

(18) "Right-of-way." The boundary line or margin of the area adjacent to public streets, roads, or highways.

(19) "Setback." A line located parallel to and a specified distance from the right-of-way line, such distance being specified in the applicable section of the zoning ordinance and behind which line a sign allowed under this chapter.

(20) "Sign." A device or thing, including the frame, letter, figure, character, make, plain, point, marquee, canopy, awning, design, picture, poster, stroke, banner, streamer, pennant, bunting, inflatable sign, strike line, flag, logotype, trademark, reading matter, illuminating device, or any device used for 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 to any public performance, or to any article, machine or merchandise of any nature whatsoever and which is displayed in any manner whatsoever.

(21) "Sign area." The total number of signs and/or display surfaces on any one (1) premises or lot or commercial industrial developments and complexes.

(22) "Signable area." The total number of signs and/or display surface areas permitted in this chapter on any one (1) lot, commercial, and/or industrial developments and complexes.

(23) "Size." Refers to display surface.

(24) "Stand alone sign." A sign that normally is fifteen (15) square feet or less per side that advertises a service or product. These signs are normally made of metal with a metal frame. It sits on the ground or pavement on wide legs that keep it from tipping over. This is a special type of portable sign.

(25) "Temporary sign." Any sign, which by reason of construction or purpose, is to be used for a limited period of time, including, but not limited to, a sign which is to be displayed and removed within a period of time as specified in this chapter. A sign is temporary if it has visible legs or wheels and/or if it has a visible cord connecting to a power source.

(26) "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.

(27) "Traffic directional sign." Any sign which aids the flow of traffic.

(28) "Wall sign." An outdoor advertising display sign affixed to the wall of any building, projecting not more than twelve (12) inches from the building.

(29) "Yard sales." All general sales, open to the public, conducted from or on any premises for the purpose of disposing of personal property including, but not limited to, all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," "flea market," or "rummage" sale. This definition does not include the operation of such businesses carried on in a nonresidential zone where the person conducting the sale does so on a regular day-to-day basis.

(30) "Zoning ordinance." The zoning ordinance of the City of Lewisburg. (Ord. #99-07, Oct. 1999, repealed by Ord. #01-11, Jan. 2002, and added by Ord. #01-12, Jan. 2002)

**14-502. Administration, enforcement and fees.** (1) It shall be unlawful for any person, corporation or association to erect, or keep within the city any sign as defined without first obtaining a sign permit from the city's codes enforcement officer and paying the permit fee required by this chapter except for:

- (a) Government signs. Signs erected by, or on the order of, a public officer in the performance of his or her public duty, such as safety signs, danger signs and traffic signs.
- (b) Historical markers. Historical markers as recognized by local, state, or federal authorities.
- (c) Governmental flags. National, state, or local government flags.
- (d) Banners/flags. Banners or flags attached to utility poles by the city.

(2) The city's codes enforcement officer is hereby designated as the sign administrator for this chapter. The administrator is responsible for:

- (a) Issuance of sign permits and the acceptance or denial of same
- (b) Informing the public of matters related to signs and helping interested parties comply with regulations of this chapter
- (c) Maintenance of records on signs
- (d) Periodic checks for violations of this chapter

(3) The sign administrator shall have the authority to make administrative decisions concerning the interpretation of this chapter, and any disagreement of the sign administrator's decision shall be resolved by the board of zoning appeals.

(4) When the sign administrator finds violations of this chapter he shall first verbally inform the responsible party, then if corrective action is not taken he shall inform the party by certified return mail that violations must be corrected in ten (10) days.

(5) Any person found guilty of violating the terms of this chapter shall be subject to a penalty to be determined by the city court for each offense. Each day such violations continue shall constitute a separate offense. (Ord. #99-07, Oct. 1999, repealed by Ord. #01-11, Jan. 2002, and added by Ord. #01-12, Jan. 2002)

**14-503. Regulations of signs.** (1) No sign shall ever be attached to a utility pole. This violates state laws, local ordinances, and is a possible danger to utility workers. No sign may be placed on any public right-of-way or drainage easement, unless otherwise exempted by a government entity.

(2) No sign shall be erected or placed at any location where it interferes with or obstructs the view of a vehicular or pedestrian traffic, has the words "stop," "caution," "warning," or any other words which would confuse the reader with traffic control signs.

(3) No sign shall have noisy mechanical devices or moving or glaring illumination, except for that movement allowed on message center or scroll type signs, or that of a theater marquee.

(4) Temporary signs may be used for a period of thirty (30) days after application has been approved by the sign administrator and may be used for a maximum of sixty (60) days in any calendar year. A temporary sign may be considered permanent if its legs are set in concrete and hidden by a base made of wooden beams, brick or stone and mortar, or other similar construction, or if approved by the sign administrator, or if its legs have been removed and the sign is suspended between vertical wooden or metal beams. The sign administrator can show a sign owner several options which can assist the owner in making a temporary sign permanent if that is the desire of the owner. Schools, churches, service clubs, fire departments and hospitals are exempted.

(5) All signs whether permanent or temporary shall be maintained in a safe, neat and orderly manner. This includes, but is not limited to, structural maintenance, painted surfaces, and manicuring of unsightly grass and weeds around the signs.

(6) No sign shall be painted on or attached to any tree, rock, ledge, or any other natural feature.

(7) A charitable or not-for-profit organization may after receiving permission from the city's police department place a sign in the proper receptacles on the southeast or northwest corners of the public square as long as it is removed within twelve (12) hours after the event advertised.

(8) No permit is required for a temporary political sign. However, all political signs shall be removed within ten (10) days after the advertised election. No political signs shall be placed in or on any public park, public building, public grounds, traffic control or directional signs, or public rights-of-way. Also, no person shall place any such sign on the property of another without first having the permission of said property owner.

(9) Off-site real estate directional signs shall be outside rights-of-way and comply with the following provisions:

(a) Maximum Display Surface Area . . . . . 16 Feet

(b) Maximum Height . . . . . 6 Feet

(c) Such signs shall be removed within forty-eight (48) hours from the date of the auction or sale. (Ord. #99-07, Oct. 1999, as repealed by Ord. #01-11, Jan. 2002, added by Ord. #01-12, Jan. 2002, and amended by Ord. #10-18, Dec. 2010)



**14-504. Additional regulations for signs permitted in residential districts.** (1) Signs upon premises occupied by schools, service clubs, churches, hospitals and other permitted uses other than dwellings are permitted:

(a) The area on one side of the sign shall not exceed 40 square feet.

(b) Not more than one sign per vehicle entrance is permitted.

(c) The sign may be either attached to a building or a ground sign.

(2) On premises real estate signs are permitted provided the area of any such sign shall not exceed 32 square feet and pertain to the sale, lease, or rental of property on which the sign is displayed. Sign shall not be illuminated by any means. Real estate signs shall be removed within 48 hours of the sale.

(3) A subdivision consisting of twenty (20) or more lots and a multi-family development consisting of ten (10) or more dwelling units may display one permanent sign identifying the venture at each major vehicular entrance.

(a) Such sign may be displayed on entrance wall, fence or other structure used to delineate the major entrance or may otherwise be ground mounted.

(b) Such sign may not be attached to any building and must be made of rock, stone, brick, or other similar material. The sign must not create a traffic hazard.

(4) Contractor signs may be temporary signs not exceeding 32 square feet in display surface area indicating the name of the contractor, engineers, developers and/or architects of a construction project.

(a) Temporary in this regard shall mean that period of time commencing with the construction and terminating when the construction project is completed.

(b) This subsection shall not apply to signs required by governmental agencies during construction.

(5) **Yard sale signs.** (a) Two (2) signs of not more than four (4) square feet shall be permitted to be displayed on the property of the residence or nonresidential site where the garage sale is being conducted.

(b) **Directional signs.** Signs of not more than two (2) square feet each are permitted, and oral or written permission to erect such signs is received from the property owners on whose property such signs are to be placed. Signs shall not be attached to utility poles.

(c) **Removal of signs.** Signs shall be removed within twenty-four hours from the end of the yard sale. (Ord. #99-07, Oct. 1999, repealed by Ord. #01-11, Jan. 2002, added by Ord. #01-12, Jan. 2002, and amended by Ord. #22-09, May 2022 ***Ch15\_06-28-23***)

**14-505. Additional regulations for signs permitted in commercial districts.** (1) **On-site signs in commercial districts.**

(a) Attached signs are permitted provided said signs:

- (i) Are not more than 100 square feet in total display surface area, excluding display surface on an awning or marquee, or twenty (20) percent of the area of the building face upon which it is erected whichever is more restrictive.
- (ii) Projection type signs shall be a minimum of ten (10) feet above any private sidewalk or private street and shall project not more than three (3) feet from a line perpendicular to the face of the building.
- (iii) Convenience signs shall be exempt from the 100 square feet total display surface.
- (b) Ground signs are permitted provided said signs:
  - (i) Are not larger than 100 square feet in display surface area;
  - (ii) Are set back at least five (5) feet from all rights-of-way, property lines and sidewalks;
  - (iii) Are spaced so that they are not closer than five (5) feet to one another;
  - (iv) And are not higher than 32 feet.
- (c) Stand alone signs are permitted provided said signs:
  - (i) Are set back at least five (5) feet from all rights-of-way, property lines and sidewalks.
  - (ii) Are spaced so that they are not closer than five (5) feet to one another.
  - (iii) A maximum of six (6) are allowed per business.
- (d) Real Estate signs as allowed in residential areas § 14-504(2).
- (e) Contractors signs are allowed in residential areas except that the size allowed may be 64 square feet.
- (f) The total display surface area of all permanent signs for any one business, excluding public convenience signs, shall not exceed 150 square feet.
- (g) A multiple tenant business sign shall be permitted provided:
  - (i) The sign is no larger than 150 square feet of display surface area for identification of the complex.
  - (ii) Each business may have an additional sign not exceeding 32 square feet.
- (h) Theater signs not exceeding 150 square feet in aggregate shall be in addition to all other signs authorized by this section and such signs may be on a marquee. (Ord. #99-07, Oct. 1999, repealed by Ord. #01-11, Jan. 2002, and added by Ord. #01-12, Jan. 2002)

**14-506. Regulation of billboards.** Billboards are prohibited. (Ord. #99-07, Oct. 1999, repealed by Ord. #01-11, Jan. 2002, added by Ord. #01-12, Jan. 2002, and replaced by Ord. #16-21, Jan. 2017)

**14-507. Non conforming sign provision.** Any non-conforming sign permanently fixed on property may be continued in operation and maintained after the effective date of this chapter, but shall not be:

- (1) Changed to or replaced with another non-conforming sign.
- (2) Structurally altered so as to extend its useful life.
- (3) Expanded.
- (4) Relocated.
- (5) Reestablished after damage or destruction of more than fifty (50) percent of the value at the time of such damage or destruction.
- (6) Modified in any way that would increase the degree of non-conformity of such sign.

Nothing in the chapter shall prevent the strengthening or restoring to a safe condition any portion of a sign or structure deemed unsafe. (Ord. #99-07, Oct. 1999, repealed by Ord. #01-11, Jan. 2002, added by Ord. #01-12, Jan. 2002, and replaced by Ord. #16-21, Jan. 2017)

**14-508. Termination of non conforming sign structures.** (1) Fifty (50) percent damage. Any permanent non conforming sign or sign structure which is partially destroyed or damaged by fire, accident, or natural cause beyond fifty (50) percent of its original value shall thereafter be removed or reconstructed in conformance to the regulations of this chapter.

(2) Conformance. Any permanent non conforming sign or sign structure which is improved and altered to comply with provisions of this chapter shall thereafter be considered as conforming.

(3) Annexed areas. Non conforming signs located in areas annexed into the City of Lewisburg shall be subject to the same provisions as non conforming signs in existence when this chapter was initially passed. (Ord. #99-07, Oct. 1999, repealed by Ord. #01-11, Jan. 2002, and added by Ord. #01-12, Jan. 2002)

**14-509. Removal of non-conforming sign.** (1) Signs which do not comply with this chapter and are not permanently fixed on property shall be brought into compliance with these regulations within fourteen (14) days after the effective date of this chapter.

(2) Signs of this type that exist in a non conforming status after the time specified shall be confiscated and disposed by the city and charged to the owner. (Ord. #99-07, Oct. 1999, repealed by Ord. #01-11, Jan. 2002, and added by Ord. #01-12, Jan. 2002)

**14-510. Protections of First Amendment Rights.** Any sign, display, or device allowed under these regulations may contain, in lieu of any other copy, any otherwise lawful non-commercial message that does not direct attention to a business operated for profit or to a commodity or service for sale, and that

complies with all other requirements of this chapter. (Ord. #99-07, Oct. 1999, repealed by Ord. #01-11, Jan. 2002, and added by Ord. #01-12, Jan. 2002)

**14-511. Permits and fees.** (1) Except for not for profit or charitable signs, no person shall establish, erect, change, alter or modify a sign without obtaining a sign permit from the City of Lewisburg.

(2) The sign permit fee shall be one hundred dollars (\$100.00) per sign. (Ord. #99-07, Oct. 1999, repealed by Ord. #01-11, Jan. 2002, added by Ord. #01-12, Jan. 2002, replaced by Ord. #20-07, Aug. 2020 ***Ch13\_10-13-20***, and amended by Ord. #22-17, June 2022 ***Ch15\_06-28-23***)

## TITLE 15

### MOTOR VEHICLES, TRAFFIC AND PARKING<sup>1</sup>

#### CHAPTER

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

#### CHAPTER 1

#### MISCELLANEOUS<sup>2</sup>

#### SECTION

- 15-101. Motor vehicle requirements.
- 15-102. Driving on streets closed for repairs, etc.
- 15-103. Reckless driving.
- 15-104. One-way streets.
- 15-105. Unlaned streets.
- 15-106. Laned streets.
- 15-107. Yellow lines.
- 15-108. Miscellaneous traffic-control signs, etc.
- 15-109. General requirements for traffic-control signs, etc.
- 15-110. Unauthorized traffic-control signs, etc.
- 15-111. Presumption with respect to traffic-control signs, etc.
- 15-112. School safety patrols.

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<sup>1</sup>Municipal code reference

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

<sup>2</sup>State law references

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

- 15-113. Driving through funerals or other processions.
- 15-114. Clinging to vehicles in motion.
- 15-115. Riding on outside of vehicles.
- 15-116. Backing vehicles.
- 15-117. Projections from the rear of vehicles.
- 15-118. Causing unnecessary noise.
- 15-119. Vehicles and operators to be licensed.
- 15-120. Passing.
- 15-121. Damaging pavements.
- 15-122. Bicycle riders, etc.
- 15-123. Driving and parking in city-owned parks and recreation centers.
- 15-124. Limitation on vehicles in excess of two (2) tons.
- 15-125. Littering from vehicles.
- 15-126. Driving/cutting through private property prohibited.
- 15-127. Operation of unregistered all-terrain vehicles, riding lawn mowers, and golf carts on city streets.

**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. (1985 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. (1985 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. (1985 Code, § 9-107)

**15-104. 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. (1985 Code, § 9-109)

**15-105. 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. (1985 Code, § 9-110)

**15-106. 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. (1985 Code, § 9-111)

**15-107. 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. (1985 Code, § 9-112)

**15-108. Miscellaneous traffic-control signs, etc.**<sup>1</sup> It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic-control sign, signal, marking, or device placed or erected by the state or the city unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle to willfully violate or fail to comply with the reasonable directions of any police officer. (1985 Code, § 9-113)

**15-109. 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

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<sup>1</sup>Municipal code references

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

Highways,<sup>1</sup> published by the U. S. Department of Transportation, Federal Highway Administration, and shall, so far as practicable, be uniform as to type and location throughout the city. This section shall not be construed as being mandatory but is merely directive. (1985 Code, § 9-114)

**15-110. 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. (1985 Code, § 9-115)

**15-111. Presumption with respect to traffic-control signs, etc.** When a traffic-control sign, signal, marking, or device has been placed, the presumption shall be that it is official and that it has been lawfully placed by the proper municipal authority. All presently installed traffic-control signs, signals, markings and devices are hereby expressly authorized, ratified, approved and made official. (1985 Code, § 9-116)

**15-112. 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. (1985 Code, § 9-117)

**15-113. 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. (1985 Code, § 9-118)

**15-114. Clinging to vehicles in motion.** It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any other vehicle to cling to, or attach himself or his vehicle to any other moving vehicle upon any street, alley, or other public way or place. (1985 Code, § 9-120)

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<sup>1</sup>This manual may be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington, D.C. 20402.



**15-115. 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. (1985 Code, § 9-121)

**15-116. 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. (1985 Code, § 9-122)

**15-117. 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 ( $\frac{1}{2}$ ) hour after sunset and one-half ( $\frac{1}{2}$ ) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (1985 Code, § 9-123)

**15-118. Causing unnecessary noise.** It shall be unlawful for any person to cause unnecessary noise by using a "muffler cut-out" or other contrivance which tends to increase motor noise, or by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1985 Code, § 9-124)

**15-119. 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." (1985 Code, § 9-125)

**15-120. 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. (1985 Code, § 9-126)

**15-121. Damaging pavements.** No person shall operate or cause to be operated upon any street of the municipality any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels, tires, or track is likely to damage the surface or foundation of the street. (1985 Code, § 9-119)

**15-122. Bicycle riders, etc.** Every person riding or operating a bicycle, motorcycle, or motor driven cycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the city applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, or motor driven cycles.

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

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

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

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

Each driver of a motorcycle or motor driven cycle 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.

Every motorcycle or motor driven cycle 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 or motor driven cycle shall be required to wear safety goggles, faceshields or glasses containing impact resistant lenses for the purpose of preventing any flying object from striking the operator or any passenger in the eyes.

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 to knowingly permit any minor to operate a motorcycle or motor driven cycle in violation of this section. (1985 Code, § 9-127)

**15-123. Driving and parking in city-owned parks and recreation centers.** It shall be unlawful to drive or park any motor vehicle, motorcycle, motorbike or any other motor-powered vehicle in any city-owned park recreation center except in places designated for vehicular traffic. This section shall not apply to maintenance or other authorized vehicles. (1985 Code, § 9-128)

**15-124. Limitation on vehicles in excess of two (2) tons.** All motor vehicular traffic on all residential streets shall be limited to motor vehicles of four thousand (4,000) pounds or less as shown on the license plate except school buses, garbage trucks and vehicles making deliveries on said residential streets, or when making delivery to property contiguous to a residential street. (1985 Code, § 9-129, modified)

**15-125. Littering from vehicles.** (1) No person, while the operator of or passenger in a vehicle, shall deposit litter upon any public place, street or private premises.

(2) No person shall drive or move any loaded truck or other vehicle within the city unless the vehicle is so constructed or loaded as to prevent any part of its load, contents or litter from being blown or deposited upon any public place or private premises. Nor shall any person drive or move any vehicle or truck within the city, the wheels or tires of which carry onto or deposit in any public place, street or private premises, mud, dirt, sticky substance, litter or foreign matter of any kind.

(3) No person hauling earth, trash, concrete, gravel, or other substance in any vehicle along or over any of the streets of the city shall allow that earth, trash, concrete, gravel or other substances to escape from any vehicle and be deposited upon any street.

(4) It shall be unlawful for the owner, driver or operator of any car, truck, machine or other vehicle which tracts or deposits dirt, mud, vegetation or similar substances onto any paved street in the city to fail to commence removal of such substance immediately and to complete the removal within two hours after such substance was tracked or deposited thereon. (Ord. #97-02, March 1997)

**15-126. Driving/cutting through private property prohibited.**

(1) The driver or operator of any vehicle shall not drive upon or through any private property or upon or through any driveway not a part of the street or roadway for the purpose of avoiding obedience to any traffic signal, regulation or ordinance of the City of Lewisburg or of the state. For the purposes

of this section, a vehicle drives through private property such as a parking lot, when it enters, traverses and leaves the parking lot at a continuous rate of speed without stopping for the purpose for which the parking lot is intended.

(2) emergency vehicles are exempt from this section. (as added by Ord. #15-14, Dec. 2015)

**15-127. Operation of unregistered all-terrain vehicles, riding lawn mowers, and golf carts on city streets.** (1) It shall be unlawful for anyone to operate an unregistered and non-conforming all-terrain vehicle or riding lawn mower or golf cart on a city street or roadway within the city limits as a primary mode of transportation.

(2) Any unregistered/non conforming all-terrain vehicles, riding lawn mowers and golf carts shall be further prohibited from operating on city sidewalks unless engaged in maintenance activities for which the vehicle was intended.

(3) Any person operating an all-terrain vehicle, riding lawn mower or golf cart when near a city street, sidewalk or roadway shall strictly adhere to all traffic signs, signals, rules and regulations of the road when required to cross city streets or roadways.

(4) An all-terrain vehicle, riding lawn mower or golf cart shall not be operated for any reason on a city street or roadway without proof of liability insurance coverage in effect which provides coverage for the specific all-terrain vehicle, riding lawn mower or golf cart being operated.

(5) The number of occupants shall not exceed the number of seats installed by the manufacturer on said all-terrain vehicle, riding lawn mower or golf cart and occupants shall be required to wear protective gear required by law. (as added by Ord. #17-10, Jan. 2018)

## CHAPTER 2

### EMERGENCY VEHICLES

#### SECTION

15-201. Authorized emergency vehicles defined.

15-202. Operation of authorized emergency vehicles.

15-203. Following emergency vehicles.

15-204. Running over fire hoses, etc.

**15-201. Authorized emergency vehicles defined.** Authorized emergency vehicles shall be fire department vehicles, police vehicles, and such ambulances and other emergency vehicles as are designated by the chief of police. (1985 Code, § 9-102)

**15-202. Operation of authorized emergency vehicles.**<sup>1</sup> (1) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, subject to the conditions herein stated.

(2) The driver of an authorized emergency vehicle may park or stand, irrespective of the provisions of this title; proceed past a red or stop signal or stop sign, but only after slowing down to ascertain that the intersection is clear; exceed the maximum speed limit and disregard regulations governing direction of movement or turning in specified directions so long as he does not endanger life or property.

(3) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red and/or blue light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (1985 Code, § 9-103)

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<sup>1</sup>Municipal code reference

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

**15-203. Following emergency vehicles.** No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1985 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. (1985 Code, § 9-105)

## CHAPTER 3

### SPEED LIMITS

#### SECTION

15-301. In general.

15-302. At intersections.

15-303. In school zones.

15-304. In congested areas.

**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. (1985 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. (1985 Code, § 9-202)

**15-303. In school zones.** Generally, pursuant to Tennessee Code Annotated, § 55-8-152, special speed limits in school zones 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.

When the governing body 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 forth (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. (1985 Code, § 9-203)

**15-304. In congested areas.** It shall be unlawful for any person to operate or drive a motor vehicle through any congested area at a rate of speed in excess of any posted speed limit when such speed limit has been posted by authority of the municipality. (1985 Code, § 9-204)

## CHAPTER 4

### TURNING MOVEMENTS

#### SECTION

15-401. Generally.

15-402. Right turns.

15-403. Left turns on two-way roadways.

15-404. Left turns on other than two-way roadways.

15-405. U-turns.

15-406. Turning right at signal light.

**15-401. Generally.** No person operating a motor vehicle shall make any turning movement which might affect any pedestrian or the operation of any other vehicle without first ascertaining that such movement can be made in safety and signaling his intention in accordance with the requirements of the state law.<sup>1</sup> (1985 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. (1985 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 line of the two roadways. (1985 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 such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered. (1985 Code, § 9-304)

**15-405. U-turns.** U-turns are prohibited. (1985 Code, § 9-305)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 55-8-143.



**15-406. Turning right at signal light.** When approaching an electrically operated signal light, the driver may, after coming to a full stop, proceed to enter the intersection and turn right, if he can do so without interfering with traffic coming from the left. (1985 Code, § 9-306)

## CHAPTER 5

### STOPPING AND YIELDING

#### SECTION

- 15-501. Upon approach of authorized emergency vehicles.
- 15-502. When emerging from alleys, etc.
- 15-503. To prevent obstructing an intersection.
- 15-504. At railroad crossings.
- 15-505. At "stop" signs.
- 15-506. At "yield" signs.
- 15-507. At traffic-control signals generally.
- 15-508. At flashing traffic-control signals.
- 15-509. At pedestrian control signals.
- 15-510. Stops to be signaled.

**15-501. Upon approach of authorized emergency vehicles.**<sup>1</sup> Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of a blue light or 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. (1985 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 such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1985 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 such intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of traffic in or on the intersecting crosswalk. This provision shall be effective notwithstanding any traffic-control signal indication to proceed. (1985 Code, § 9-403)

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<sup>1</sup>Municipal code reference

Special privileges of emergency vehicles: title 15, chapter 2.

**15-504. At railroad crossings.** Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen (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. (1985 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. (1985 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. (1985 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 such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(3) Steady red alone, or "Stop":

(a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(4) Steady red with green arrow:

(a) Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.

(5) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made a vehicle length short of the signal. (1985 Code, § 9-407)

**15-508. At flashing traffic-control signals.** (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the city it shall require obedience by vehicular traffic as follows:

(a) Flashing red (stop signal). When a red lens is illuminated with intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) Flashing yellow (caution signal). When a yellow lens is illuminated with intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in § 15-504 of this code. (1985 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 such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to the nearest sidewalk or safety zone while the wait signal is showing. (1985 Code, § 9-409)

**15-510. Stops to be signaled.** No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,<sup>1</sup> except in an emergency. (1985 Code, § 9-410)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 55-8-143.

## CHAPTER 6

### PARKING<sup>1</sup>

#### SECTION

- 15-601. Generally.
- 15-602. Definitions.
- 15-603. Parking.
- 15-604. Occupancy of more than one space.
- 15-605. Where prohibited.
- 15-606. Loading and unloading zones.
- 15-607. Presumption with respect to illegal parking.
- 15-608. Parking on public streets, etc., not to exceed one hour.
- 15-609. Parking on state and federal highways prohibited.
- 15-610. Towing and fines.

**15-601. Generally.** No person shall leave any motor vehicle unattended on any street without first stopping the motor assuring the vehicle will not move of its own accord. 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 central business district between the hours of 1:00 A.M. and 5:00 A.M. Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs as necessitated by an emergency, while such vehicle is parked on a public street. (1985 Code, § 9-501, modified, as replaced by Ord. #23-16, April 2023 *Ch15\_06-28-23*)

**15-602. Definitions.** (1) Impeding. Impeding traffic shall be defined as parking a vehicle in a manner which causes a lane of traffic to become impassable, causing motorists to partially or wholly enter another lane to proceed. For two-way streets that do not have markings on the roadway, traffic shall be considered impeded when a parked vehicle necessitates the crossing of the middle of the roadway to proceed around it.

(2) Vehicle. Vehicles shall be defined as any motorized or non-motorized device designed to transport people or cargo, including any trailer or object designed to be pulled by such devices, and any equipment capable of transporting people or cargo, including but not limited to tractors, forklifts, and mowers. (1985 Code, § 9-502, as replaced by Ord. #23-16, April 2023 *Ch15\_06-28-23*)

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<sup>1</sup>Municipal code references

Driving and parking in certain areas of the city: § 15-123.

Limitation on vehicles in excess of two tons: § 15-124.

**15-603. Parking.** (1) Parallel parking. Except as hereinafter provided, every vehicle parked upon a street within this municipality shall be so parked that its right wheels are approximately parallel to and within eighteen inches (18") of the right edge or curb of the street. On one-way streets where the municipality has not placed signs prohibiting the same, vehicles may be permitted to park on the left side of the street and in such cases the left wheels shall be required to be within eighteen inches (18") of the left edge or curb of the street.

(2) Angle parking. On those streets which have been signed or marked by the municipality for angle parking no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four feet (24'). (1985 Code, § 9-503, as replaced by Ord. #23-16, April 2023 **Ch15\_06-28-23**)

**15-604. Occupancy of more than one space.** No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one (1) such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (1985 Code, § 9-504, as replaced by Ord. #23-16, April 2023 **Ch15\_06-28-23**)

**15-605. Where prohibited.** No person shall park a vehicle in violation of any sign placed or erected by the municipality, nor:

- (1) On a sidewalk.
- (2) In front of a public or private driveway.
- (3) Within an intersection or within fifteen feet (15') thereof.
- (4) Within fifteen feet (15') of a fire hydrant.
- (5) Within a pedestrian crosswalk.
- (6) Within fifty feet (50') of a railroad crossing.
- (7) Within twenty feet (20') of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five feet (75') of the entrance.
- (8) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed.
- (9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- (10) Upon any bridge.
- (11) Alongside any curb painted yellow or red by the municipality.
- (12) In any designated fire lane on public or private property. (1985 Code, § 9-505, as replaced by Ord. #23-16, April 2023 **Ch15\_06-28-23**)

**15-606. Loading and unloading zones.** No person shall park a vehicle for any purpose or period of time other than for the expeditious loading

or unloading of passengers or merchandise in any place marked by the municipality as a loading and unloading zone. (1985 Code, § 9-506, as replaced by Ord. #23-16, April 2023 ***Ch15\_06-28-23***)

**15-607. Presumption with respect to illegal parking.** When any unoccupied vehicle is found parked in violation of any provision of this chapter, there shall be a prima facie presumption that the registered owner of the vehicle is responsible for such illegal parking. (as added by Ord. #23-16, April 2023 ***Ch15\_06-28-23***)

**15-608. Parking on public street, etc., not to exceed one hour.** No person shall park or leave a vehicle parked on any street, road, or right of way located within the corporate limits of the City of Lewisburg, Tennessee, in a manner which impedes traffic for a period of time exceeding one (1) hour. (as added by Ord. #23-16, April 2023 ***Ch15\_06-28-23***)

**15-609. Parking on state and federal highways prohibited.** No person shall park or leave a vehicle parked on any state or federal highway located within the corporate limits of the City of Lewisburg, Tennessee, in a manner which impedes traffic, including turning lanes. (as added by Ord. #23-16, April 2023 ***Ch15\_06-28-23***)

**15-610. Towing and fines.** Violation of the provisions of this chapter shall result in a fine in the maximum amount allowable by law for each offense. Furthermore, parking in violation of this ordinance may result in the vehicle being towed at the owner's expense. (as added by Ord. #23-16, April 2023 ***Ch15\_06-28-23***)



## CHAPTER 7

### ENFORCEMENT

#### SECTION

- 15-701. Issuance of traffic citations.
- 15-702. Failure to obey citation.
- 15-703. Illegal parking.
- 15-704. Impoundment of vehicles.
- 15-705. Disposal of abandoned motor vehicles.
- 15-706. Violation and penalty.

**15-701. Issuance of traffic citations.**<sup>1</sup> When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1985 Code, § 9-601)

**15-702. Failure to obey citation.** It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (1985 Code, § 9-602)

**15-703. Illegal parking.** Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within ten (10) days during the hours and at a place specified in the citation. (1985 Code, § 9-603, modified)

**15-704. 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 and impound any

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 7-63-101, et seq.

vehicle whose operator is arrested or any unattended vehicle which is illegally parked, abandoned, or otherwise parked so as to constitute an obstruction or hazard to normal traffic. Any vehicle left parked on any street or alley for more than seventy-two (72) consecutive hours without permission from the chief of police shall be presumed to have been abandoned if the owner cannot be located after a reasonable investigation. Such an 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 otherwise lawfully disposed of. (1985 Code, § 9-604, modified)

**15-705. Disposal of abandoned motor vehicles.** "Abandoned motor vehicles," as defined in Tennessee Code Annotated, § 55-16-103, shall be impounded and disposed of by the police department in accordance with the provisions of Tennessee Code Annotated, §§ 55-16-103 through 55-16-109. (1985 Code, § 9-605)

**15-706. Violation and penalty.** Any violation of this title shall be a civil offense punishable as follows:

(1) Traffic citations. Traffic citations shall be punishable by a civil penalty up to fifty dollars (\$50.00) for each separate offense.

(2) Parking violations. For parking violations, the offender may, within ten (10) days, have the charge against him disposed of by paying to the city treasurer a fine of two dollars (\$2.00) provided he waives his right to a judicial hearing. If he appears and waives his right to a judicial hearing after ten (10) days, but before a warrant for his arrest is issued, his civil penalty shall be three dollars (\$3.00).

(3) A fee of five dollars (\$5.00) shall be collected on each citation for violation of any traffic ordinance that results in a plea of guilty or nolo contendere or a judgment of guilty, for the purpose of funding the development and operation of an electronic citation system for the Lewisburg Police Department. One dollar (\$1.00) of such fee shall be retained by the city court clerk and used for computer hardware purchases, usual and necessary computer related expenses, or replacement. (1985 Code, § 9-603, modified, as amended by Ord. #14-08, Oct. 2014)

## TITLE 16

### STREETS AND SIDEWALKS, ETC<sup>1</sup>

#### CHAPTER

1. EXCAVATIONS AND CUTS.
2. HOUSE NUMBERING AND STREET NAMING SYSTEM.
3. OBSTRUCTING, INTERFERING WITH AND ABUSING STREETS AND OTHER PUBLIC WAYS AND PLACES.

#### CHAPTER 1

### EXCAVATIONS AND CUTS<sup>2</sup>

#### SECTION

- 16-101. Permit required.
- 16-102. Applications.
- 16-103. Fee.
- 16-104. Deposit or bond.
- 16-105. Manner of excavating--barricades and lights--temporary sidewalks.
- 16-106. Restoration of streets, etc.
- 16-107. Insurance.
- 16-108. Time limits.
- 16-109. Supervision.
- 16-110. Driveway curb cuts.

**16-101. Permit required.** It shall be unlawful for any person, firm, corporation, association, or others, to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances

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<sup>1</sup>Municipal code reference

Related motor vehicle and traffic regulations: title 15.

<sup>2</sup>State law reference

This chapter was patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the case of City of Paris, Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 388, 340 S.W.2d 885 (1960).

demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the city manager is open for business, and said permit shall be retroactive to the date when the work was begun.

It shall be unlawful for any person, firm, corporation, public or private utility association, or others to make any cut or excavation in any street/alley without first notifying the city manager or his designee. However, persons maintaining pipes, lines, etc., within the city right-of-ways may proceed with an opening when emergency circumstances demand the work be done immediately. Upon notification of the work the city manager or his designee shall provide the person/s with specifications for restoration of the street/alley. (1985 Code, § 12-101)

**16-102. Applications.** Applications for such permits shall be made to the city manager, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. Such application shall be rejected or approved by the city manager (or his designee) within twenty-four (24) hours of its filing. (1985 Code, § 12-102)

**16-103. Fee.** The fee for such permits shall be two dollars (\$2.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five (25) feet in length; and twenty-five cents (\$.25) for each additional square foot in the case of excavations, or lineal foot in the case of tunnels; but not to exceed one hundred dollars (\$100.00) for any permit. (1985 Code, § 12-103)

**16-104. Deposit or bond.** No such permit shall be issued unless and until the applicant therefor has deposited with the city a cash deposit. The deposit shall be in the sum of twenty-five dollars (\$25.00) if no pavement is involved or seventy-five dollars (\$75.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the city manager (or his designee) may increase the amount of the deposit to an amount considered by him to be adequate to cover the said cost. From this deposit shall be deducted the expense to the city of relaying the surface of the ground or pavement, and of making the refill if this is done by the city or at its expense. The balance shall be returned to the applicant without

interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit a surety bond in such form and amount as the city manager (or his designee) shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration. (1985 Code, § 12-104)

**16-105. 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. (1985 Code, § 12-105)

**16-106. Restoration of streets, etc.** Any person, firm, corporation, public or private utility, association, or others making any excavation in or under any street/alley in the right-of-way of the City of Lewisburg shall upon the completion of the work backfill and restore by resurfacing the street/alley according to the specifications and standards of the City of Lewisburg.

In case of unreasonable delay in restoring the street, alley, or public place, the city manager (or his designee) shall give notice to the person, firm, corporation, public or private utility, association or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the city will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the city, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, public or private utility, association, or others who made the excavation or tunnel. (1985 Code, § 12-106, modified)

**16-107. Insurance.** In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the city manager (or his designee) in accordance with the nature of the risk involved;

provided, however, that the liability insurance for bodily injury shall not be less than \$100,000 for each person and \$300,000 for each accident, and for property damages not less than \$25,000 for any one (1) accident, and a \$75,000 aggregate. (1985 Code, § 12-107)

**16-108. Time limits.** Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the city if the city restores such surface pavement. It shall be unlawful to fail to comply with this limitation unless permission for an extension of time is granted by the city manager (or his designee). (1985 Code, § 12-108)

**16-109. Supervision.** The city manager (or his designee) shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the city and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (1985 Code, § 12-109)

**16-110. Driveway curb cuts.** No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the city manager (or his designee). 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 out into the street. (1985 Code, § 12-110)

## CHAPTER 2

### **HOUSE NUMBERING AND STREET NAMING SYSTEM**

#### **SECTION**

- 16-201. Uniform system for numbering buildings established.
- 16-202. Division of city into north, south, east, and west areas.
- 16-203. Allocation of numbers for buildings generally.
- 16-204. Allocation of numbers for buildings on streets not extending to the base lines.
- 16-205. Assignment and display of building numbers.
- 16-206. Plat book showing proper numbers to be kept.
- 16-207. Building inspector to administer system.
- 16-208. Numbers for new buildings.
- 16-209. Naming and dedication streets, roads, bridges and other city owned land and facilities.
- 16-210. Planning commission approval.

#### **16-201. Uniform system for numbering buildings established.**

There is hereby established a uniform system for numbering buildings fronting on all streets, avenues, and public ways in the City of Lewisburg, and all houses and other buildings shall be numbered in accordance with the provisions of this chapter. (1985 Code, § 12-201)

#### **16-202. Division of city into north, south, east, and west areas.**

Commerce Street shall constitute the base line which will divide the city into northern and southern parts. Hereafter all streets north of the base line and running generally in a northerly-southerly direction shall be considered "North" streets and, likewise, all streets south of this base line and running generally in a northerly-southerly direction shall be considered "South" streets. First Avenue shall be considered the base line which divides the city into east and west parts. Hereafter streets east of this base line and running in a generally easterly-westerly direction shall be considered "East" streets and, likewise, streets west of First Avenue and running in a generally easterly-westerly direction shall be considered "West" streets.

(1) Each building north of Commerce Street and facing a street running in a northerly direction shall carry a number and address indicating its location north of said base street.

(2) Each building south of Commerce Street and facing a street running in a southerly direction shall carry a number and address indicating its location south of said base street.

(3) Each building east of First Avenue, and facing a street running in an easterly direction shall carry a number and address indicating its location east of said base street.

(4) Each building west of First Avenue, and facing a street running in a westerly direction shall carry a number and address indicating its location west of said base street.

(5) All buildings on diagonal streets shall be numbered the same as buildings on northerly and southerly streets if the diagonal runs more from the north to the south, and the same rule shall apply on easterly and westerly streets if the diagonal runs more from the east to the west. (1985 Code, § 12-202)

**16-203. Allocation of numbers for buildings generally.** The numbering of buildings on each street shall begin at the base line. All numbers shall be assigned on the basis of one number for 20 feet of frontage along the street. Grid lines, as shown on the property numbering map, indicate the point at which numbers will change from one hundred to the next higher hundred. All buildings on the south of east-west streets and east of north-south streets shall bear odd numbers, and likewise all buildings on the north side of east-west streets and west of north-south streets shall bear even numbers.

(1) Where any building has more than one entrance serving separate occupants, a separate number shall be assigned to each entrance serving an occupant.

(2) The building shall be assigned the number of the 20 foot interval in which the main entrance of the building falls. In measuring the 20 foot intervals of street frontage, if the main entrance of the building falls exactly upon the line which divides a 20 foot interval from the next higher interval, either the number of the lower interval or the number of the next higher interval will be assigned to that entrance.

(3) A multiple family dwelling having one main entrance shall be assigned only one number, and separate apartments in the building will carry a letter designated such as A, B, C, in addition to the number assigned to the main entrance of the building.

(4) The duplex houses having 2 front entrances shall have a separate number for each entrance. In the event that both entrances fall within the same increment, either the preceding number or next higher number shall be used for one entrance number and the interval number in which the entrances fall shall be used for the other entrance. (1985 Code, § 12-203)

**16-204. Allocation of numbers for buildings on streets not extending to the base lines.** All buildings facing streets not extending through to the base line shall be assigned the same relative numbers as if the said street had extended to the said base line. (1985 Code, § 12-204)

**16-205. Assignment and display of building numbers.** The city council shall cause the necessary survey to be made and completed within six months from the date of the adoption of the provisions in this chapter and



thereafter there shall be assigned to each house and other residential or commercial buildings located on any street, avenue, or public way in said city, its respective number under the uniform system provided for in this chapter according to said survey.

(1) Such numbers shall be placed on existing buildings on or before the effective date of the provisions in this chapter, and within 20 days after the assigning of the proper number in the case of numbers assigned after said effective date. The numbers used shall not be less than three inches in eighth and shall be made of a durable and clearly visible material.

(2) The numbers shall be conspicuously placed immediately above, on, or at the side of the proper door of each building so that the number can be seen plainly from the street line. Whenever any building is situated more than fifty feet from the street line, the numbers shall be placed near the walk, driveway, or common entrance to such building upon a gate post, tree, post, or other appropriate place so as to be easily discernible from the sidewalk. (1985 Code, § 12-205)

**16-206. Plat book showing proper numbers to be kept.** For the purpose of facilitating correct numbering, a plat book of all streets, avenues, and public ways within the city showing the proper numbers of all houses or other buildings fronting upon all streets, avenues, or public ways shall be kept on file in the city recorder's office. These plats shall be open to inspection to all persons during the office hours of the city recorder. Duplicate copies of such plats shall be furnished to anyone designated by the city recorder. (1985 Code, § 12-206)

**16-207. Building inspector to administer system.** It shall be the duty of the building inspector to inform any party applying therefor of the number or numbers belonging to or embraced within the limits of any said lot or property as provided in this chapter. In case of conflict as to the proper number to be assigned to any building, the building inspector shall determine the number of each building. (1985 Code, § 12-207, modified)

**16-208. Numbers for new buildings.** Whenever any house, building, or structure shall be erected or located in the City of Lewisburg after the establishment of a uniform system of house and building numbering has been completed, in order to preserve the continuity and uniformity of numbers of the houses, buildings, and structures, it shall be the duty of the owner to procure the correct number or numbers, as designated, from the building inspector for the said property and to immediately fasten the said number or numbers so assigned upon said building as provided by this chapter. No building permit shall be issued for any house, building, or structure until the owner has procured from the building inspector the official number of the premises. (1985 Code, § 12-208)

**16-209. Naming and dedication streets, roads, bridges and other city owned land and facilities.** For the purpose of establishing uniform policies regarding request for the naming or renaming or dedication of streets, roads, bridges, and other city owned land and facilities that are compatible with community interest and will enhance the values and heritage of the City of Lewisburg.

(1) General. (a) The city council shall have the final authority to name or rename or dedicate streets, roads, bridges, and other city owned land and facilities.

(b) Under extraordinary circumstances that would cast a negative image upon the city, naming of city owned facilities in honor of an individual, family or group may be revoked at the discretion of the city council.

(c) It is the policy of the city to keep existing names unless there are compelling reasons to consider the change.

(d) Street names shall be unique and easily discernible. Similar sounding or duplicate names shall be avoided.

(e) Street naming and/or renaming shall be made by the city council as a result of approval and recordation of a subdivision map.

(2) Guidelines. Consideration will be given to naming or renaming or dedication of streets, roads, bridges, and other city owned land and facilities only if at least one (1) of the following criteria has been met:

(a) An individual who has been deceased for at least five (5) years and made a significant contributions to the city, state or nation through long-term commitment to providing benefit to others and/or the city.

(b) A living individual who has attained national or international prominence and achievement and for whom there is great public support for being honored.

(c) An individual, living or deceased or an organization who has made a significant donation of property or funds to the city for the acquisition, development, construction, upkeep or operation of the facility.

(3) Nomination process. (a) All nominations must be submitted in writing to the city recorder.

(b) All nominations will include a letter of nomination along with a detailed narrative statement detailing a history of the nominated person. The personal history must include the birth date and date of death along with information detailing the individual's contributions and why a particular street, road, bridge, and city owned land or facility should be named for this individual.

(c) Letters of support from other members of the community are recommended but not required.

(d) All nominations will be reviewed for compliance with this policy. If the nomination meets the established criteria the nomination

will be submitted to the city council for consideration. If it is determined that the nomination fails to meet the established criteria it will be returned with a cover letter detailing the deficiencies.

(e) Approval of the nomination will require an ordinance adopted by a simple majority vote of the city council.

(4) New streets and roads. (a) No new streets shall be accepted by the city nor municipal improvements made therein until such streets have been named. If they are extensions of existing streets, the existing names shall be continued; if not extensions street names shall be unique and easily discernible. Similar sounding or duplicate names shall be avoided.

(b) If a new street is constructed by the city the city manager and director of operations will submit a recommendation to the city council for final approval. (1985 Code, § 12-209, as replaced by Ord. #15-09, Sept. 2015)

**16-210. Planning commission approval.** Every subdivision plat submitted to the planning commission for approval shall show the proposed names of any and all streets. The planning commission shall review the proposed street names for compliance with this policy and recommend changes if necessary. The planning commission will then submit the proposed naming plan to the city council for final approval. (1985 Code, § 12-210, as replaced by Ord. #15-09, Sept. 2015)

## CHAPTER 3

### **OBSTRUCTING INTERFERING WITH AND ABUSING STREETS AND OTHER PUBLIC WAYS AND PLACES**

#### **SECTION**

- 16-301. Obstructing streets, alleys, or sidewalks prohibited.
- 16-302. Trees projecting over streets, etc., regulated.
- 16-303. Trees, etc., obstructing view at intersections prohibited.
- 16-304. Projecting signs and awnings, etc., restricted.
- 16-305. Banners and signs across streets and alleys restricted.
- 16-306. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-307. Littering streets, alleys, or sidewalks prohibited.
- 16-308. Obstruction of drainage ditches.
- 16-309. Obstruction of streets prohibited.
- 16-310. Parades, etc., regulated.
- 16-311. Animals and vehicles on sidewalks.
- 16-312. Fires in streets, etc.
- 16-313. Political signs and advertisements.
- 16-314. Remedy for violation.

**16-301. 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 except when expressly authorized in writing by the city manager after a finding that no hazard will be created thereby. (1985 Code, § 12-301)

**16-302. Trees projecting over streets, etc., regulated.** It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street or alley except when expressly authorized in writing by the city manager after a finding that no hazard will be created by such banner or sign. (1985 Code, § 12-302)

**16-303. Trees, etc., obstructing view at intersections prohibited.** It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, shrub, sign, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1985 Code, § 12-303)

**16-304. 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. (1985 Code, § 12-304)

**16-305. Banners and signs across streets and alleys restricted.** It shall be unlawful for any person to place or have placed any banner or sign across or above any public street or alley except when expressly authorized by the city council after a finding that no hazard will be created by such banner or sign. (1985 Code, § 12-305)

**16-306. 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. (1985 Code, § 12-306)

**16-307. Littering streets, alleys, or sidewalks prohibited.** It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk, any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1985 Code, § 12-307)

**16-308. 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 or in or on the persons own property. (1985 Code, § 12-308, modified)

**16-309. Obstruction of streets prohibited.** No person shall willfully obstruct or hinder traffic of any street or highway by stopping or parking any vehicle in or upon such street or highway or place any object thereon in such a manner as to obstruct, hinder or interfere with normal use thereof. (1985 Code, § 12-309)

**16-310. Parades, etc., regulated.** It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the city manager. No permit shall be issued by the city manager unless such activity will not unreasonably interfere with traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry to his agreement to immediately clean up the resulting litter. (1985 Code, § 12-310)

**16-311. 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 a manner as to unreasonably interfere with or inconvenience pedestrians using the sidewalk. It shall also be

unlawful for any person to knowingly allow any minor under his control to violate this section. (1985 Code, § 12-312)

**16-312. 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. (1985 Code, § 12-313)

**16-313. Political signs and advertisements.** The following regulations shall govern political signs and advertisements, etc., on public rights of way within the corporate limits:

(1) All political signs, advertisements, and other such material placed on the right-of-way of any public street, drive, parkway, alley or other public thoroughfare shall be removed within fifteen (15) days following the election for which said signs are applicable.

(2) If the signs are not removed within the fifteen (15) day period, the city may remove the signs and charge the cost of such removal to the person who placed, authorized the placement, or caused the placement of the signs on the public right-of-way.

(3) Any person responsible for the removal of the signs and who fails to do so within the fifteen (15) day period and if found guilty of failing to remove signs within the fifteen (15) day period, shall be liable for the costs of removing the signs in addition to a fine under the general penalty provisions of this code of ordinances. (1985 Code, § 12-314)

**16-314. Remedy for violation.** In addition to any fine which may be levied under the general penalty provision of this code for a violation of this chapter, the city manager is authorized to enter said real property and to take reasonable and necessary action to affect compliance with the provisions of this chapter. The cost thereof shall be a charge against the person owning and/or occupying the property and shall be a lien against said property. (1985 Code, § 12-315)

## TITLE 17

### REFUSE AND TRASH DISPOSAL<sup>1</sup>

#### CHAPTER

#### 1. REFUSE.

#### CHAPTER 1

#### REFUSE

#### SECTION

- 17-101. Refuse defined.
- 17-102. Premises to be kept clean.
- 17-103. Storage.
- 17-104. Curbside garbage carts regulated.
- 17-105. Disturbing containers.
- 17-106. Collection.
- 17-107. Collection vehicles.
- 17-108. Disposal.
- 17-109. Solid waste disposal fees and charges.
- 17-110. Restricted use of revenues received from sanitation operations.
- 17-111. Brush pickup policy.

**17-101. Refuse defined.** Refuse shall mean and include garbage, rubbish, leaves, brush, and refuse as those terms are generally defined except that dead animals and fowls, body wastes, hot ashes, rocks, concrete, bricks, and similar materials are expressly excluded therefrom and shall not be stored therewith. (1985 Code, § 8-101)

**17-102. Premises to be kept clean.** All persons within the city are required to keep their premises in a clean and sanitary condition, free from accumulations of refuse except when stored as provided in this chapter. (1985 Code, § 8-102)

**17-103. Storage.** Each owner, occupant, or other responsible person using or occupying any building or other premises within the City of Lewisburg where refuse accumulates or is likely to accumulate, shall provide and keep covered an adequate number of refuse containers. The refuse containers shall be strong, durable, and rodent and insect proof. They shall each have a capacity of not less than twenty (20) nor more than thirty-two (32) gallons, except that this maximum capacity shall not apply to larger containers which the city

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<sup>1</sup>Municipal code reference

Property maintenance regulations: title 13.

handles mechanically. Furthermore, except for containers which the city handles mechanically, the combined weight of any refuse container and its contents shall not exceed seventy-five (75) pounds. (1985 Code, § 8-103)

**17-104. Curbside garbage carts regulated.** (1) Garbage carts are to be placed at the curb by 6:00 A.M. on the homeowners scheduled collection day; the carts shall not be placed at the curb sooner than 4:00 P.M. the day before collection day. The cart is not to be placed in the road. If there is no curb at the residence, then the cart is placed at the end of the driveway or along the roadside.

(2) The garbage carts are to be returned to a location behind the front of the residence by 7:00 A.M. of the morning following the scheduled day of pickup.

(3) Failure to comply shall be considered a misdemeanor, with each day being a separate offense.

Failure to comply with the provisions of this chapter shall be subject to a fine of not less than five dollars (\$5.00) or more than fifty dollars (\$50.00). (1985 Code, § 8-104, as replaced by Ord. #14-03, July 2014)

**17-105. Disturbing containers.** No unauthorized person shall uncover, rifle, pilfer, dig into, turn over, or in any other manner disturb or use any refuse container belonging to another. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose. (1985 Code, § 8-105)

**17-106. Collection.** All refuse accumulated within the corporate limits shall be collected, conveyed, and disposed of under the supervision of such officer as the city manager shall designate. Collections shall be made regularly in accordance with an announced schedule. (1985 Code, § 8-106)

**17-107. Collection vehicles.** The collection of refuse shall be by means of vehicles with beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto the streets and alleys. Furthermore, all refuse collection vehicles shall utilize closed beds or such coverings as will effectively prevent the scattering of refuse over the streets or alleys. (1985 Code, § 8-107)

**17-108. Disposal.** The disposal of refuse in any quantity by any person in any place, public or private, other than at the site or sites designated for refuse disposal by the city council is expressly prohibited. (1985 Code, § 8-108)

**17-109. Solid waste disposal fees and charges.** (1) Definitions.

(a) "Business and industries" - all commercial and industrial business as defined by the City of Lewisburg.



(b) "Indigent resident." Those residents whose income is less than \$500.00 per month and who execute a statement of income per month which shall be approved by the city manager.

(c) "Other residents." A person who owns or occupies a residence within the corporate limits of said city not served by a water meter, and non-residents of the city.

(d) "Person." Any and all persons, natural or artificial, including any individual, firm or association, and municipal or private corporation organized or existing under the laws of this state or any other state, and any governmental agency or county of this state.

(e) "Residence." A private family dwelling serviced by a water meter or a unit in a multiple family dwelling serviced by a water meter.

(f) "Residents." The person who owns or occupies a residence within the corporate limits of said city.

(g) "Solid waste." Garbage, refuse, and other discarded solid materials, including solid waste materials resulting from industrial, commercial, and agricultural operations, and from community activities, but does not include solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants.

(h) "Solid waste disposal system." The relationship of the coordinated activities of and resources for processing and disposal of solid wastes within a common geographical area and under the supervision of any person or persons engaging in such activities.

(i) "Solid waste processing." An operation for the purpose of modifying the characteristics or properties of solid waste to facilitate transportation or disposal of solid wastes including, but not limited to, incineration, composting, separation, grinding, shredding, and volume reduction.

(j) "Solid waste disposal." The process of placing, confining, compacting, or covering solid waste except when such solid waste is for reuse, removal, reclamation, or salvage.

(2) Business classifications. Business shall be classified as to the amount of solid waste generated by each in either cubic yards or pounds at the discretion of the City of Lewisburg.

(3) Solid waste disposal fees. (a) Each resident, business, industry, school, hospital, nursing home, apartment, multiple unit residence, mobile home or other resident generators of solid waste shall pay a solid waste disposal fee fixed from time to time by resolution of the council of the City of Lewisburg.

(b) Additional hauling charges may be added to the above disposal charges, if furnished by the city and shall be determined and levied by the city manager.

(c) Indigent residents. Each indigent resident as defined in § 17-109(1)(b) shall be exempt from payment for solid waste disposal under this chapter.

(d) The city manager shall annually review the charges and submit his recommendations to the city council.

(4) Fee collection. The treasurer shall collect the solid waste disposal fee provided for herein above with, and as a part of, the monthly water bill, and shall not accept payment of the monthly water bill without payment of the solid waste disposal fee. The city shall shut off the water of any recipient of water service who may be delinquent on the monthly water bill, including as a part of the water bill the fee for solid waste disposal. (1985 Code, § 8-109)

**17-110. Restricted use of revenues received from sanitation operations.** All funds received pursuant to the provisions outlined in this chapter from the collection of garbage and refuse shall be restricted in use for sanitation operations. (as added by Ord. #15-12, Dec. 2015)

**17-111. Brush pickup policy/rules.** (1) The City of Lewisburg will collect and dispose of yard waste for individuals. Yard waste being defined as brush, trees, bushes, etc. Brush cannot be mixed with other material, such as household trash, furniture, or construction materials.

(2) The City of Lewisburg will not collect demolition debris (rocks, dirt, tree stumps, wall board or plaster, roofing material, bricks, building scraps, glass/mirrors, refrigerant items (refrigerators, air conditioners, or anything charged with Freon or other gases), etc. The City of Lewisburg will not collect debris from remodel/evictions or move in/out. The City of Lewisburg will not collect contractors yard waste. The contractors will be responsible for the disposal of their own yard waste.

(3) All items to be picked up shall be cut in lengths not exceeding eight feet (8').

(4) All leaves, twigs, small branches, pinecones, grass clippings, etc. shall be bagged.

(5) All items to be picked up shall be placed at or near the right-of-way. All items will be placed so they can be accessed from the roadway. city crews will not enter private property.

(6) All items to be picked up shall be placed in an area which will allow city crews to operate in a safe and orderly manner.

(7) Items shall not be placed in ditches that may obstruct storm water.

(8) Items shall not be placed in any manner that will obstruct normal traffic flow or in a manner that will create an unsafe situation.

(9) Items shall not be placed on roadways (roadways being asphalt surface) or near roadway where branches, limbs, etc. extend into the roadway or on any water meter, sewer manhole, etc.

(10) Stumps, trees, etc. that are pushed to the right-of-way for pickup which require mechanical means (dozers, loaders, etc.) will not be picked up.

(11) During periods of emergencies (ice storms, tornadoes, high winds, etc.) these rules may be relaxed.

(12) Brush/bulky item collection will be weekly. Special pickups above the once weekly pickup may be available upon request. Requestors will be responsible for the payment of the current landfill disposal rate as well as a thirty-five dollar (\$35.00) per hour labor fee.

This item shall not apply during times of emergencies. (as added by Ord. #16-13, Aug. 2016, and amended by Ord. #22-42, Jan. 2023 ***Ch15\_06-28-23***)

## TITLE 18

### WATER AND SEWERS<sup>1</sup>

#### CHAPTER

1. SEWER USE.
2. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.
3. STORMWATER ORDINANCE.

#### CHAPTER 1

#### SEWER USE

#### SECTION

- 18-101. Purpose and policy.
- 18-102. Definitions.
- 18-103. Abbreviations.
- 18-104. Discharge regulations.
- 18-105. Fees.
- 18-106. Administration.
- 18-107. Building sewers and connections.
- 18-108. Enforcement.
- 18-109. Waste subject to surcharge.
- 18-110. Penalty; costs.
- 18-111. Water and wastewater (sewer) rates.
- 18-112. Miscellaneous.

**18-101. Purpose and policy.** This chapter sets forth uniform requirement for direct and indirect contributors into the wastewater collection and treatment system for the City of Lewisburg, Tennessee, hereafter known as the "city" and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977, as amended, hereafter known as "the Act," and the State of Tennessee's General Pretreatment Regulations (40 CFR, part 403), and (Tennessee Code Annotated, §§ 69-3-103 and 69-3-123, et seq.)

The general purpose of this chapter is to provide for efficient, economic, environmentally safe, and legal operation of the city POTW.

The specific purposes of this chapter are the following:

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<sup>1</sup>Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

- (1) To prevent the introduction of substances into the POTW that will:
  - (a) Interfere with the POTW in any way;
  - (b) Pass through the POTW to the state's waters and cause contravention of standards for those waters or cause violation of the POTW's NPDES permit;
  - (c) Increase the cost or otherwise hamper the disposal of POTW sludge and/or residuals;
  - (d) Endanger municipal employees;
  - (e) Cause air pollution, or groundwater pollution, directly or indirectly;
  - (f) Cause, directly or indirectly, any public nuisance condition.
- (2) To prevent new sources of infiltration and inflow and, as much as possible, eliminate existing sources of infiltration and inflow.
- (3) To assure that new sewers and connections are properly constructed.
- (4) To provide for equitable distribution to all users of the POTW of all costs, associated with sewage transmission, treatment, and residuals disposal, and to provide for the collection of such costs.

This chapter provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This chapter shall apply to the City of Lewisburg and to persons outside the city who are, by contract or agreement with the city, users of the City of Lewisburg's Publicly Owned Treatment Works (POTW). Except as otherwise provided herein, the superintendent shall administer, implement and enforce the provisions of this chapter. (1985 Code, § 8-201, as replaced by Ord. #12-11, Dec. 2012, and Ord. #15-08, Oct. 2015)

**18-102. Definitions.** Unless otherwise stated in the section where the term is used in this chapter, the meaning of terms used in this chapter shall be as stated below. When not inconsistent with the context, the present tense shall include the future, and words used in the plural shall include the singular and vice versa. Furthermore, a masculine pronoun shall include the feminine.

(1) "Abnormal sewage." Sewage whose concentration of one (1) or more characteristics of normal sewage exceeds the maximum concentrations of the characteristics of normal sewage. (See "normal sewage.")

(2) "Act" or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq., as may be amended.

(3) "Ammonia." The result obtained, using an approved laboratory procedure, to determine the quantity of ammonia in a sample, expressed as milligrams of nitrogen per liter.

(4) "Applicant." That person who makes application for any permit. The applicant may be an owner, new or old, or his agent.

(5) "Approval authority." The Division of Water Resources Director or his/her representative(s).

(6) "Approved laboratory procedure." The procedures defined in 40 CFR part 136.

(7) "ASTM," denoting American Society for Testing and Materials. The latest edition of any ASTM specification, when stipulated in this chapter.

(8) "Authorized representative of the industrial user." An authorized representative of the industrial user may be:

(a) If the user is a corporation:

(i) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(ii) The manager of one (1) or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) If the user is a partnership or sole proprietorship: a general partner or proprietor respectively.

(c) If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(d) The individuals described in subsections (a) through (c), above, may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city.

(9) "Best Management Practices (BMPS)" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 18-104(1) and 40 CFR 403.5(a)(1) and (b). BMPS include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

(10) "Biochemical Oxygen Demand (BOD)." The result obtained when using an approved laboratory procedure to determine the quantity of oxygen utilized in the aerobic biochemical oxidation of organic matter or in a sample, expressed in milligrams per liter.

(11) "Building drain." That part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes inside the building walls, and conveys it to the building lateral, which begins five feet (5') outside the inner face of the building wall.

(12) "Building sewer." The extension from the building drain to the public sewer.

(13) "City." The City of Lewisburg, Tennessee and/or the Lewisburg Water and Wastewater Department.

(14) "Combined sewer." A sewer receiving both sewage and surface runoff from down spouts, storm sewers and surface or groundwater.

(15) "Chemical Oxygen Demand (COD)." The result obtained when using an approved laboratory procedure to measure the oxygen requirement of that portion of matter, in a sample, that is susceptible to oxidation, by a specific chemical oxidant, expressed in milligrams per liter.

(16) "Color." The optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

(17) "Composite sample." The sample resulting from the combination of individual samples of wastewater taken at selected intervals, for a specified time period. The individual samples may have equal volumes or the individual volumes may be proportioned to the flow at the time of sampling.

(18) "Connection charge (tap fee)." The one (1) time application fee to offset the city's expenses to process an application for a connection of a building/street lateral to the public sewer. The fee also covers plan review, permit issuance, street repair cost, and inspection costs. The fee may be scaled to the amount of work involved, or to the size of the public sewer involved.

(19) "Control authority." The Superintendent of the Water and Wastewater Department, City of Lewisburg, or his designated agent.

(20) "Control manhole." A manhole accessible to the control authority in or upstream of the street lateral, such that samples collected from the manhole represent the discharge to the POTW.

(21) "Conventional pollutant." A pollutant that the POTW treatment plant was designed to treat, defined in accordance with the Act.

(22) "Cooling water." The water discharged from any system of condensation, air conditioning, refrigeration, or other sources. It shall contain no polluting substances which would produce COD or suspended solids in excess of five milligrams per liter (5 mg/l), or toxic substances, as limited elsewhere in this chapter.

(23) "County." Marshall County.

(24) "Daily maximum." The arithmetic average of all effluent samples for a pollutant (except pH) collected during a calendar day.

(25) "Daily maximum limit." The maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

(26) "Direct discharge." The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee. (For reference, see "indirect discharge.")

(27) "Domestic wastes." See "sewage, domestic."

(28) "Dry sewers." The sanitary sewer installed in anticipation of future connection to a POTW but which is not used, in the meantime, for transport of storm or sanitary sewage.

(29) "End of pipe." End of pipe shall mean the control manhole, provided the samples collected from the control manhole are representative of the discharge to the POTW.

(30) "End of pipe concentration." The concentration of a substance in a sample of wastewater at end of pipe.

(31) "End of process concentration." See "National Categorical Pretreatment Standard."

(32) "Easement." An acquired legal right for the specific use of land owned by others.

(33) "U.S. Environmental Protection Agency," "EPA" or "USEPA." The agency of the federal government charged with the administration and enforcement of federal environmental laws, rules, and regulations. Also may be used as a designation for the administrator or other duly authorized official of this agency.

(34) "Floatable oil." Oil, grease, or fat in a physical state such that it will separate by gravity from wastewater by treatment in a wastewater treatment facility.

(35) "Flow rate." The quantity of liquid or waste that flows in a certain period of time.

(36) "Garbage." The solid wastes from the preparation, cooking, and dispensing of food, from the handling, storage, and sale of produce, and from the packaging and canning of food.



(37) "Grab sample." A single sample of wastewater representing the physical, chemical, and biological characteristics of the wastewater at one point and time.

(38) "Indirect discharge." The discharge or the introduction of nondomestic pollutants from any source regulated under section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW including holding tank waste discharge into the system.

(39) "Industrial." Meaning or pertaining to industry, manufacturing, commerce, trade, business, or institution, and is distinguished from domestic or residential.

(40) "Industrial Chemical Survey (ICS)." The survey of industries in the city to determine chemical usage and storage by those industries. (IWS)

(41) "Industrial user." See "user, industrial."

(42) "Industrial wastes." The liquid or liquid-carried solid, liquid and/or gaseous wastes from industrial manufacturing processes, trade, service, utility, or business, as distinct from sanitary sewage.

(43) "Infiltration." Water, other than wastewater, that enters a sewer system (excluding building drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow. Infiltration is inadvertent, that is, not purposely designed or built into the sewer or drain.

(44) "Inflow." Water, other than wastewater, that enters a sewer system (including building drains) from sources such as, but not limited to, roof leaders, cellar drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, stormwaters, foundation drains, swimming pools, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.

(45) "Instantaneous limit." The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

(46) "Interference." A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; or exceeds the design capacity of the treatment works or the collection system.

(47) "IWS form." The form used by the city to survey industries to perform and update the industrial waste survey.

(48) "Lateral, building." The sewer extension from the building drain to the street lateral or other place of wastewater disposal.

(49) "Lateral, street." The sewer extension from the public sewer to the property line.

(50) "Local hearing authority." The administrative board which is responsible for the administration and enforcement of that program and the provisions of the Act. Also known as the water and sewer board.

(51) "National categorical pretreatment standard" or "categorical standard." Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (B) and (C) of the Act (22 U.S.C. 1347), which applies to a specific category of industrial users. These standards apply at the end of the categorical process ("end of process").

(52) "National Pollutant Discharge Elimination System (NPDES) permit." A permit issued pursuant to section 402 of the Act (33 U.S.C. 1342).

(53) "National prohibitive discharge standard," or "prohibitive discharge standard." Any regulation developed under the authority of section 307 (B) of the Act, and 40 CFR, section 403.5.

(54) "Natural outlet." Any outlet, including storm sewers and combined sewer overflows, to state's waters.

(55) "New source." (a) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Federal Clean Water Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(i) The building, structure, facility or installation is constructed at a site at which no other source is located; or

(ii) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(iii) The production of wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of subsections (a)(ii) or (a)(iii) of this definition but otherwise alters, replaces, or adds to existing process or production equipment.

(c) Construction of a new source as defined under this subsection has commenced if the owner or operator has:

(i) Begun, or caused to begin as part of a continuous onsite construction program:

(A) Any placement, assembly, or installation of facilities or equipment; or

(B) Significant site preparation work including cleaning, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(ii) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this subsection.

(56) "Normal sewage." See "sewage, normal."

(57) "North American Industry Classification System (NAICS)." A classification pursuant to the North American Industry Classification System manual issued by the Executive Office of the President, Office of Management and Budget, 1997, and subsequent revisions. The NAICS codes replace the SIC codes.

(58) "Nuisance." The use or lack of use of the POTW in such a manner so as to endanger life or health, or give offense to the senses, obstruct, or otherwise interfere with the reasonable use or maintenance of the POTW.

(59) "Oil and grease." The result obtained when using an approved laboratory procedure to determine the quantity of fats, wax, grease, and oil, in a sample, expressed in milligrams per liter.

(60) "Other wastes." Garbage (shredded or unshredded), refuse, wood, egg shells, coffee grounds, sawdust, shavings, bark, sand, lime, ashes, and all other discarded matter not normally present in sewage or industrial wastes.

(61) "Pass through." The discharge which exits the POTW into waters of the state in quantities or concentrations, which, alone or in conjunction with 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).

(62) "Permit." A temporary revocable written document allowing use of the POTW for specified wastes over a limited period of time, containing sampling locations and reporting frequencies, and requiring other actions as authorized by this chapter.

(63) "Person." Any individual, public or private corporation, political subdivision, federal, state, or local agency or entity, association, trust, estate or any other legal entity whatsoever.

(64) "pH." The logarithm (base 10) of the reciprocal of the weight of hydrogen ions, in gram moles per liter. A pH value of 7.0, the pH scale midpoint, represents neutrality. Values above 7.0 represent alkaline conditions. Values below 7.0 represent acid conditions.

(65) "Pollutant." Any material placed into or onto the state's waters, lands and/or airs, which interferes with the beneficial use of that water, land and/or air by any living thing at any time.

(66) "Pollution." The man-made or man-induced alteration of the chemical, physical, biological, and/or radiological integrity of the state's waters, lands and/or airs resulting from the introduction of a pollutant into these media.

(67) "Pretreatment (treatment)." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater 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 achieved by physical, chemical, or biological process, process changes, or by other means, except as prohibited by 40 CFR, section 403.6(D).

(68) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

(69) "Pretreatment standard" or "national pretreatment standard." Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Federal Clean Water Act, which applies to industrial users. This term includes prohibitive discharge limits established pursuant to 400-40-14-.05.

(70) "Prohibitive discharge standard." See "national prohibitive discharge standard."

(71) "Properly shredded garbage." The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, and with no particle having a dimension greater than one-half inch (1/2") in any dimension.

(72) "POTW treatment plant." That portion of the POTW designed to provide treatment to wastewater, and to treat sludge and residuals derived from such treatment.

(73) "Publicly Owned Treatment Works (POTW)." A treatment works, as defined by section 212 of the Act (33 U.S.C. 1292), which is owned, in this instance, by the City of Lewisburg. This definition includes any sewers and appurtenances that transport wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected directly or indirectly to a facility providing treatment.

(74) "Priority pollutants." The most recently revised or updated list, developed by the EPA, in accordance with the Act.

(75) "Public sewer." A sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

(76) "Receiving waters." A natural water course or body of water (usually waters of the state) into which treated or untreated sewage is discharged.

(77) "Roof drain." A drain installed to receive water collecting on the surface of a roof for disposal.

(78) "Scavenger wastes." See "septage."

(79) "Septage." All liquids and solids in and removed from septic tanks, holding tanks, or cesspools.

(80) "Septic tank." A private domestic sewage treatment system consisting of an underground tank (with suitable baffling), constructed in accordance with any and/or all local and state requirements.

(81) "Sewage." A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, and such ground, surface, and stormwater as may be inadvertently present. The admixture of sewage, as defined above, with industrial wastes and other wastes shall also be considered "sewage," within the meaning of this definition.

(82) "Sewage, domestic (domestic wastes)." Liquid wastes from the non-commercial preparation, cooking, and handling of food, liquid wastes containing human excrement and similar matter from the sanitary conveniences in dwellings, commercial buildings, industrial buildings, and institutions, or liquid wastes from clothes washing and/or floor/wall washing. (See sewage, sanitary.)

(83) "Sewage, normal." Sewage, industrial wastes, or other wastes, which show, by analysis, the following characteristics:

(a) BOD (Five (5) day). Twenty-five hundred pounds (2500 lbs.) per million gallons (300 milligrams per liter), or less;

(b) Suspended solids. Twenty-five hundred pounds (2500 lbs.) per million gallons (300 milligrams per liter), or less;

(c) COD. Six thousand six hundred seventy two pounds (6672 lbs.) Per million gallons (800 milligrams per liter), or less;

(d) Total Kjeldahl nitrogen. Three hundred seventy-five pounds (375 lbs.) per million gallons (45 milligrams per liter), or less;

(e) Oil and grease. Eight hundred thirty pounds (830 lbs.) per million gallons (100 milligrams per liter), or less;

(f) Ammonia nitrogen. Twenty-five pounds (25 lbs.) per million gallons (30 milligrams per liter), or less.

In spite of satisfying one (1) or more of these characteristics, if the sewage also contains substances of concern, it may not be considered normal sewage.

(84) "Sewage, sanitary." Liquid wastes from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, or institutions, and free from stormwater, surface water, industrial, and other wastes. (See "domestic wastes.")

(85) "Sewage treatment plant (water pollution control plant)." See "POTW treatment plant."

(86) "Sewer." A pipe or conduit for carrying or transporting sewage.

(87) "Sewer, combined." A sewer designed to receive and transport both surface runoff and sewage.

(88) "Sewer, sanitary." A sewer which carries sewage, and to which storm, surface, and groundwater are not intentionally admitted.

(89) "Sewer, storm (storm drain)." A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastewater.

(90) "Sewerage system (also POTW)." All facilities for collecting, regulating, pumping, and transporting wastewater to and away from the POTW treatment plant.

(91) "Sewerage surcharge." The demand payment for the use of a public sewer and/or sewage treatment plant for the handling of any sewage, industrial wastes, or other wastes accepted for admission thereto in which the characteristics thereof exceed the maximum values of such characteristics in normal sewage.

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

(93) "Significant industrial user." See "user, significant industrial."

(94) "Significant noncompliance." The following criteria will be used for defining Significant Noncompliance (SNC) for purposes of enforcement (40 CFR 403.8(f)(2)(viii):

(a) Wastewater violations. (i) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in § 18-102.

(ii) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by § 18-102 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH).

(iii) Any other violation of a pretreatment standard or requirement as defined by § 18-102 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the superintendent determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public.

(iv) Any discharge causing imminent endangerment to human health/welfare or to the environment or resulting in the POTWs 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 ninety (90) days or more after the schedule date.

(c) Failure to accurately report noncompliance.

(d) Failure to provide required reports within thirty (30) days of the due date.

(e) Any other violation or group of violations which the POTW authority considers to be significant.

(f) Any other violation or group of violations, which may include a violation of best management practices, which the POTW determines will adversely affect the operation or implementation of the local pretreatment program.

(95) "Slug." Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions. In any event, a discharge which, in concentration of any constituent or in quantity of flow, that exceeds, for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flow during normal use operations shall constitute a slug.

(96) "Standard Industrial Classification (SIC)." A classification pursuant to the Standard Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, and subsequent revisions. These codes were replaced by NAICS codes in 1997, and are no longer used.

(97) "Stormwater." Any flow occurring during or following any form of natural precipitation; also the flow resulting therefrom.

(98) "Substances of concern." Those compounds which the city has determined may be harmful to man or the environment.

(99) "Superintendent." The superintendent of the water and wastewater department of the City of Lewisburg. This definition shall also include his authorized deputy, agent, or representative.

(100) "Suspended Solids (TSS)." The result obtained, using an approved laboratory procedure, to determine the dry weight of solids, in a sample, that either float on the surface of, or are in suspension, or are settleable, and can be removed from the sample by filtration, expressed in milligrams per liter.

(101) "Total Kjeldahl Nitrogen (TKN)." The result obtained, using an approved laboratory procedure, to determine the quantity of ammonia in a sample and released during the acid digestion of organic nitrogen compounds, expressed as milligrams of nitrogen per liter.

(102) "Toxic substances." Any substance, whether gaseous, liquid, or solid, that when discharged to a public sewer in sufficient quantities may be hazardous to POTW operation and maintenance personnel, tend to interfere with any biological sewage treatment process, or to constitute a hazard to recreation in the receiving waters, due to the effluent from a sewage treatment plant or overflow point. Any pollutant or combination of pollutants listed as

toxic in regulations promulgated by the EPA under provisions of CWA 307(A), or other Acts.

(103) "User." Any person who contributes, causes, or permits the contribution of wastewater into the POTW.

(104) "User, industrial." A discharger to the POTW who discharges non-domestic wastewater.

(105) "User, Significant Industrial (SIU)." An industrial user of the city POTW who is subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter 1, subchapter N; and any other industrial user that: discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the control authority as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

(106) "Wastewater." The liquid and water-carried industrial or domestic wastewater from dwellings, commercial establishments, industrial facilities, and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

(107) "Wastewater discharge permit." A permit set forth in § 18-106(2) of this chapter.

(108) "Wastewater, unusual strength or character." See "sewage of unusual strength or character."

(109) "Waters of the state (state's waters)." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof. (1985 Code, § 8-202, as replaced by Ord. #12-11, Dec. 2012, and Ord. #15-08, Oct. 2015)

**18-103. Abbreviations.** The following abbreviations shall have the designed meanings:

- |     |                           |                                      |
|-----|---------------------------|--------------------------------------|
| (1) | BMP -                     | Best Management Practice             |
| (2) | BOD or BOD <sup>5</sup> - | Five Day Biochemical Oxygen Demand   |
| (3) | CFR -                     | Code of Federal Regulations          |
| (4) | COD -                     | Chemical Oxygen Demand               |
| (5) | CWA -                     | Clean Water Act                      |
| (6) | EPA -                     | U.S. Environmental Protection Agency |
| (7) | gpd -                     | gallons per day                      |



- (8) IU - Industrial User
- (9) l - liter
- (10) mg - milligrams
- (11) mg/l - milligrams per liter
- (12) NAICS - North American Industry Classification System
- (13) NPDES - National Pollutant Discharge Elimination System
- (14) POTW - Publicly Owned Treatment Works
- (15) RCRA - Resource Conservation and Recovery Act
- (16) SIC - Standard Industrial Classification
- (17) SIU - Significant Industrial User
- (18) SNC - Significant Noncompliance
- (19) SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, *et seq.*
- (20) TSS - Total Suspended Solids
- (21) U.S.C. - United States Code

(1985 Code, § 8-203, as replaced by Ord. #12-11, Dec. 2012, and Ord. #15-08, Oct. 2015)

**18-104. Discharge regulations.** All users of the city POTW will comply with all standards and requirements of the Act and standards and requirements promulgated pursuant to the Act. No user shall contribute or cause to be contributed, in any manner or fashion, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical standards, or any other national, state, or local pretreatment standards or requirements. (See 40 CFR part 403.5.)

A user may not introduce into a POTW any pollutant(s) which cause pass through or interference. These general prohibitions and the specific prohibitions in subsection (2) of this rule apply to each user introducing pollutants into a POTW whether or not the user is subject to other national pretreatment standards or any national, state, or local pretreatment requirements.

(1) General discharge prohibitions. Without limiting the generality of the foregoing, a user may not contribute the following substances to the POTW:

- (a) Any solids, liquids, or gases which, by reason of their nature or quantity, are or may be sufficient, either alone or by interaction with other substances, to cause a fire or an explosion or be injurious, in any way, to the POTW, or to the operation of the POTW. At no time shall two (2) successive readings on a flame type explosion hazard meter, at the point of discharge into the system (or at any other point in the system) be more than five percent nor any single reading be more than ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. If a Tagliabue (Tag) closed cup flashpoint tester is used, the flash point, at point of discharge, shall not be less than one hundred forty degrees Fahrenheit (40° F). Using the test methods specified in 40 CFR 261.21, prohibited materials include, but are not limited to, gasoline, kerosene, naphtha,

benzene, toluene, xylene, ethers, alcohols, carbides, hydrides, and sulfides, and any other substance which the city, the state or the EPA has determined to be a fire hazard, or hazard to the POTW (40 CFR 403.5(b)(1).

(b) Solid or viscous substances which may cause obstruction to the flow in a sewer or otherwise interfere with the operation of the wastewater treatment facilities. Unless explicitly allowable by a written permit, such substances include, but are not limited to, grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair and whole blood from slaughterhouses, hides or fleshing, entrails, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, grass clippings, rags, spent grains, waste paper, wood, plastics, tar asphalt residues, residues from refining or processing fuel or lubricating oil, mud, or glass grinding or polishing wastes (40 CFR 403.5(b)(3).

(c) Any wastewater having a pH less than 5.0 or greater than 10.0 or that will cause corrosive structural damage to the POTW (40 CFR 403.5(b)(2).

(d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants (including heat), to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to section 307(A) of the Act.

(e) Any noxious or malodorous solids, liquids, or gases which either singly or by interaction with other wastes are sufficient to create a public nuisance or a hazard to life or are sufficient to prevent entry into the sewers for their maintenance or repair and any pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(f) Oils and grease. (i) Any commercial, institutional, or industrial wastes containing floatable fats, waxes, grease, or oils, or which become floatable when the wastes cool to the temperature prevailing in the wastewater at the POTW treatment plant, during the winter season; also any commercial, institutional, or industrial wastes containing more than one hundred milligrams per liter (100 mg/l) of emulsified oil or grease; also any substances which will cause the sewage to become substantially more viscous, at any seasonal sewage temperature in the POTW.

(ii) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

(g) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW; or pass through.

(h) Any wastewater with objectionable color which is not removed in the treatment process, such as, but not limited to, dye wastes, and vegetable tanning solutions.

(i) Any solid, liquid, vapor, or gas having a temperature higher than sixty-five degrees Celsius (65°C) (150° F); however, such materials shall not cause the POTW treatment plant influent temperature to be greater than forty degrees Celsius (40°C) (104°F). The superintendent reserves the right, in certain instances, to prohibit wastes which have temperatures lower than sixty-five degrees Celsius (65°C) (40 CFR 403.5(b)(5).

(j) Unusual flow rate or concentration of wastes, constituting slugs, except by industrial wastewater permit.

(k) Any wastewater containing any radioactive wastes except as approved by the general manager, and in compliance with applicable state and federal regulations.

(l) Any wastewater which causes a hazard to human life, or which creates a public nuisance, either by itself or in combination, in any way, with other wastes.

(m) Trucked or hauled pollutants, except at discharge points designated by the general manager in accordance with § 18-104(3).

(2) Limitations on wastewater strength. (a) No person shall discharge, directly or indirectly, into the POTW, wastewater containing any of the following parameters in concentrations exceeding those specified below on either a daily or an instantaneous basis, except by permit. Concentration limits are applicable to wastewater effluent at a point just prior to discharge into the POTW ("end of pipe" concentrations).

TABLE A USER DISCHARGE RESTRICTIONS		
EFFLUENT CONCENTRATION LIMIT - mg/l		
Parameter	Allowable Daily Average	Allowable Maximum
Arsenic	1.00	2.00
Benzene	0.6094	1.2188
Cadmium	0.3487	0.6974

TABLE A  
USER DISCHARGE RESTRICTIONS

EFFLUENT CONCENTRATION LIMIT - mg/l		
Parameter	Allowable Daily Average	Allowable Maximum
Carbon Tetrachloride	0.4062	0.8124
Chloroform	6.2167	12.4334
Chromium, Trivalent	3.00	6.00
Chromium, Hexavalent	1.3379	2.6758
Copper	3.00	6.00
Cyanide	0.1221	0.2442
Ethylbenzene	1.0157	2.0314
Lead	2.1592	4.3184
Mercury	0.0676	0.1352
Methylene Chloride	2.8493	5.6986
Oil and Grease	100.0	150.0
Naphthalene	0.069	0.138
Nickel	3.00	6.00
Phenols, Total	1.00	2.00
Phthalates, Total	2.9993	5.9986
Selenium	1.00	2.00
Silver	0.4486	0.8972
Tetrachloroethylene	2.2619	4.5238
Toluene	4.3513	8.7026
Trichloroethylene	3.3843	6.7686
Zinc	3.00	6.00
1,1,1-Trichloroethane	9.1415	18.283
1,2 Transdichloroethylene	0.0589	0.1178

(i) Except for chromium (hex), all concentrations listed for metallic parameters shall be as "total metal," which shall be defined as the value measured in a sample acidified to a pH value of two (2) or less, without prior filtration.

(ii) As determined on a composite sample taken from the user's daily discharge over a typical operational and/or production day.

(iii) As determined on a grab sample taken from the user's discharge at any time during the daily operational and/or production period.

(iv) Other parameters which may be limited are: antibiotics, chemical compounds which, upon acidification, alkalization, oxidation or reduction, in the discharge or after admixture with wastewater and its components in the POTW produce toxic, flammable, or explosive compounds; pesticide, including algaecide, fungicide, herbicides, insecticide, rodenticide polyaromatic hydrocarbons; viable pathogenic organisms from industrial processes or hospital procedures.

(b) At no time shall the influent to the POTW contain quantities in excess (mg/l) of those specified below:

TABLE B PLANT PROTECTION CRITERIA		
INFLUENT CONCENTRATION LIMIT - mg/l		
Substance (1)	Allowable Daily Average (2)	Allowable Maximum Instantaneous (3)
Arsenic	0.0669	0.1340
Cadmium	0.010	0.020
Chromium, Hex	0.060	0.120
Chromium, Tri	0.060	0.020
Copper	0.117	0.234
Cyanide	0.0127	0.02
Lead	0.0628	0.126
Mercury	0.0020	0.0040
Nickel	0.254	0.501

Substance (1)	Allowable Daily Average (2)	Allowable Maximum Instantaneous (3)
Selenium	0.163	0.326
Silver	0.0147	0.030
Zinc	0.606	1.212
Benzene	0.030	0.060
Combined Phthalate Esters	0.015	0.030
Ethylbenzene	0.050	0.100
Naphthalene	0.0034	0.0068
Phenol, Total	0.3125	0.6250
Toluene	0.2143	0.25
1,1,1-Trichloroethane	0.45	0.90
Oil and Grease	25.00	50.00
Carbon Tetrachloride	.0200	.0400
Chloroform	0.3148	0.6296
Tetrachloroethylene	0.1250	0.2500
Trichloroethylene	0.1667	0.322
1,2 Transdichloroethylene	0.0030	0.0060
Methylene Chloride	0.1667	0.322
Total Phthalates	0.1537	0.307

(c) To assure that none of the above noted limitations are violated, the general manager shall issue permits to significant industrial users limiting the discharge of the parameters noted above. Each permit shall restrict the discharge from each significant industrial user to a portion of the total allowable influent loading. In determining what portion of the total of each parameter that each significant industrial user shall be allowed to discharge the general manager may consider:

- (i) The quantities of each parameter that are uncontrollable because they occur naturally in wastewater;
- (ii) The quantities of each parameter that are anthropogenic but are nonetheless uncontrollable;
- (iii) Historical discharge trends;
- (iv) Past pollution control efforts of each significant industrial user as compared to other significant industrial dischargers of the same substance;

- (v) Potential for growth in the POTW service area;
- (vi) Potential for more restrictive regulatory requirements to be placed on the POTW discharge or sludge disposal or sludge reuse method; and

(vii) Treatability of the substance. The general manager shall apply a fifteen percent (15%) safety factor protective of the POTW.

(d) Limitations on wastewater strength or mass discharge contained in this chapter may be supplemented with more stringent limitations when, in the opinion of the general manager:

(i) The limitations in this chapter are not sufficient to protect the POTW;

(ii) The limitations in this chapter are not sufficient to enable the POTW treatment plant to comply with applicable water quality standards or the effluent limitations specified in the POTW's NPDES permit;

(iii) The POTW sludge will be rendered unacceptable for disposal or reuse as the city desires, as a result of discharge of wastewater at the above prescribed concentration limitations;

(iv) Municipal employees or the public will be endangered;  
or

(v) Air pollution and/or groundwater pollution will be caused.

(e) The limitations on wastewater strength or mass discharge shall be evaluated as required by the TDEC. The results of this evaluation shall be reported to the water and wastewater board. This chapter shall then be amended appropriately. Any issued industrial wastewater discharge permits, which have limitations, based directly on any limitations, which were changed, shall be revised and amended, as appropriate.

(f) Except where expressly authorized to do so by an applicable pretreatment standard, no user shall ever increase the use of process water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard (40 CFR 403.6(d)).

(g) Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter.

(h) Dilution flow shall be considered to be inflow.

(i) The pretreatment supervisor shall monitor the treatment works influent for each parameter in Table B (Plant Protection Criteria). Industrial users shall be subject to reporting and monitoring requirements regarding these parameters as set forth in this chapter. In the event that the influent at the POTW reaches or exceeds the levels established by this table, the pretreatment supervisor shall initiate technical studies to determine the cause of the influent violation and shall recommend to the superintendent the necessary remedial measures, including, but not limited to, recommending the establishment of new or revised pretreatment levels for these parameters. The pretreatment supervisor shall also recommend changes to any of these criteria in the event that: the POTW effluent standards are changed, there are changes in any applicable law or regulation affecting same, or changes are needed for more effective operation of the POTW.

(j) The superintendent may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement local limits and the requirements of § 18-104(1).

(3) Septic tanker discharge. (a) All septic tanker discharge must be from domestic sources only. Waste from industry will not be accepted.

(b) All septic tankers must discharge only at the POTW, at locations designated by the superintendent, Monday through Friday from 7:00 A.M. to 3:30 P.M. excluding holidays. A septic tanker discharge permit will be completed prior to any discharge.

(c) The superintendent may cause the septage to be tested without notice or stop the discharge of wastes at any time.

(d) A septic tanker discharge form must be completed before each discharge. (1985 Code, § 8-204, as replaced by Ord. #12-11, Dec. 2012, and Ord. #15-08, Oct. 2015, and amended by Ord. #21-16, Dec. 2021 *Ch14\_03-08-22*, and Ord. #22-04, March 2022 *Ch14\_03-08-22*)

**18-105. Fees.** It is the purpose of this section to provide for the recovery of costs from users of the city's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the city's schedule of charges and fees to be set by the board.

(1) Charges and fees. The city may adopt charges and fees which may include:

(a) Fees for reimbursement of costs of setting up and operating the city's pretreatment program;



- (b) Fees for monitoring, inspections and surveillance procedures;
- (c) Fees for reviewing accidental discharge procedures and construction;
- (d) Fees for permit applications;
- (e) Fees for filing appeals;
- (f) Fees for consistent removal by the city of pollutants otherwise subject to federal pretreatment standards;
- (g) Fees for allowing connection of building sewers to the POTW;
- (h) All persons discharging or depositing wastes into the public sewers shall pay a sewer service charge proportional to the liquid volume of waste so deposited, which charge shall be collected as a sewer rent;
- (i) Other fees as the city may deem necessary to carry out the requirements contained herein.

These fees related solely to the matters covered by this chapter and are separate from all other fees chargeable to the city.

(2) Flow calculation. The volume of flow to be used in computing sewer service charges and abnormal sewage surcharges shall be based upon metered water consumption as shown on the records of meter readings maintained by the city water department. In the event that a person discharging wastes into the POTW produces evidence, to the superintendent, demonstrating that a substantial portion of the total amount of metered water does not reach the POTW, then the superintendent shall either establish a percentage of the total metered water to be used as a basis for such computations, or direct the installation of appropriate flow measuring (and totalizing) devices to measure and record the actual amount of flow into the POTW. In the event that a person discharging wastes into the POTW procures all or part of his water supply from unmetered sources, the superintendent shall either direct the installation of water meters on the other sources of water supply, or direct the installation of appropriate flow measuring devices to measure and record the actual amount of flow into the POTW. Any water meters and/or flow measuring devices installed pursuant to this section shall be of a type and design acceptable to the superintendent and shall be installed, maintained, and periodically tested as required by the owner, at his expense. All such meters and/or flow measuring devices shall be subject to periodic inspection, testing, and reading by the superintendent. Any person discharging wastes into the POTW may install a flow measuring device at his option, of the type, design, installation, and maintenance standards of the superintendent, at the owner's expense.

Any person wishing to use water that will not be discharged into the POTW, such as water used for irrigation, may have separate water meter installed by the department. This water meter will be installed upon request, at the service charge currently in effect. Sewer service charges will not be calculated on this water meter.

(3) Additional charges and fees. The additional charges and fees associated with the operation of the pretreatment program may be assessed by the user, and include:

- (a) Reimbursement of costs of setting up and operating the pretreatment program;
- (b) Issuing permits;
- (c) Monitoring, inspections, and surveillance procedures;
- (d) Costs of equipment and supplies;
- (e) Reviewing accidental discharge procedures;
- (f) Construction inspections;
- (g) Filing appeals;
- (h) Application for consistent removal status as outlined in 40 CFR 403;
- (i) Other reasonable expenses to carry out the program to satisfy the requirements of this chapter, the state, and the federal government.

(4) Septic charge. The charge for dumping septage into the POTW shall be thirty dollars (\$30.00) per one thousand (1,000) gallons with a minimum charge of thirty dollars (\$30.00) for each load dumped. The septic charge is to be paid in advance at the wastewater plant, unless prior charge account arrangements are made. The thirty dollar (\$30.00) charge may be increased by the superintendent as required in order to cover the costs of receiving and treating the septic waste. The manner of determining the volume dumped shall be at the discretion of the superintendent. The person hauling the waste must fill out a septic tanker discharge permit prior to discharge.

(5) Recovery of capital costs. The city may institute an equitable procedure for recovering the costs of any capital improvements of those parts of the POTW which collect, pump, treat, and dispose of wastewater from those discharging wastewater into the POTW.

(6) Fair user charge system. User fees for discharge of wastewater to the POTW shall be based on the fair user charge system approved by the State of Tennessee for use by the city. The fair user charge fee schedule shall be updated annually to reflect changes in the actual cost of maintaining and operating of the POTW, and the depreciation of facilities and debt amortization. The fair user charge fee schedule shall be based on an equitable distribution of

the costs of "Accounting and Collecting" and "Administration and General" to all customers connected to the POTW and to each lot, parcel of land or premises which may now or hereinafter be located within one hundred feet (100') of a sanitary sewer owned by the city; and an equitable distribution of the costs of operating expenses, debt amortization and depreciation to all customers connected to the POTW or occupant or property obtaining water from a source or sources other than through a meter of the city, which water is discharged into the POTW shall install, without cost to the city, a meter or meters to measure the quantity of water received from any such source or sources and shall pay the same rates or rates as provided in this chapter. No meter shall be installed or used for such purpose without the approval of the superintendent.

Whenever a property upon which a fair user charge is hereby imposed uses water for industrial, commercial, or air conditioning purposes, and does not discharge it into the POTW but, through agreement with the POTW, discharges it in some other manner, including discharging it into the city's storm sewer system, quantity of water used and not discharged into the POTW, shall be excluded in determining the sewer service charge of said owner or occupant. However, the quantity of water so used and not discharged into the POTW must be measured by a device or meter approved by the superintendent and installed by the owner or occupant without cost to the POTW. The schedule shall at all times be maintained on file by the superintendent for inspection by the public. (1985 Code, § 8-205, as replaced by Ord. #12-11, Dec. 2012, and Ord. #15-08, Oct. 2015)

**18-106. Administration.** (1) Wastewater discharges--on-site private wastewater disposal facilities. No person shall discharge untreated wastewater from on-site private sewage disposal facilities including, but not limited to, sanitary pit privies, septic tanks, and cess pools to drainage ditches or the surface of the ground. All on-site private wastewater disposal facilities shall be properly operated and maintained by the owner. Any new construction of on-site private wastewater disposal facilities shall be in accordance with state and Marshall County Public Health Department requirements.

(2) Property next to sewer lines. Where a property exists within the city limits which is not within one hundred feet (100') of an existing sewer main, the board may require the property owner to install and/or continue to operate a private sewer system within the rules and regulations of the Marshall County and state health agencies. Said operations of a private system shall be at the expense of the owner.

(3) Force main access, or a gravity sewer access. In the event the Marshall County and/or state health agencies cannot approve a private system,

either proposed or in existence, the board may, upon payment by the owner of all costs, install sanitary sewer to the property line. Where gravity sewer cannot at reasonable costs be made available to a building, the city may provide either a force main access, or a gravity sewer access at the property line for the appropriate fee, and it shall be the owner's responsibility to install equipment to lift building sewage by approved means to such connection provided. It shall be unlawful to discharge, without a state permit, to any natural outlet within the City of Lewisburg, or in any area under the jurisdiction of said city, and/or the POTW any wastewater except as authorized by the superintendent in accordance with the provisions of this chapter.

(4) Wastewater contribution permits and pretreatment requirements.

(a) As a means of determining compliance with this chapter, with applicable NPDES permit conditions, and with applicable state and federal law, each industrial user shall be required to notify the superintendent of any new or existing discharges to the POTW by submitting a completed Industrial Wastewater Survey (IWS) form to the superintendent. The IWS form must be filed every five (5) years or when different chemical processes are put into use. The superintendent may require any user discharging wastewater into the POTW to file wastewater discharge reports and to supplement such reports as the superintendent deems necessary. All information shall be furnished by the user in complete cooperation with the superintendent.

(b) The superintendent shall, from time to time, notify each industrial user of applicable pretreatment standards, and of other applicable requirements under section 204(B) and section 405 of the Clean Water Act, and subtitles C and D of RCRA.

(c) No significant industrial user shall discharge wastewater to the POTW without having a valid wastewater discharge permit, issued by the superintendent. Significant industrial users shall comply fully with the terms and conditions of their permits in addition to the provisions of this chapter. Violation of a permit term or condition is deemed a violation of this chapter. All significant industrial users proposing to connect to or to discharge to the POTW shall obtain a wastewater discharge permit before connecting to or discharging to the POTW. Existing significant industrial users shall make application for a wastewater discharge permit within thirty (30) days after the effective date of the ordinance comprising this chapter, and shall obtain such a permit within ninety (90) days after making application. The superintendent may issue wastewater discharge permits to other industrial users of the POTW.

(d) The city does not have the authority to issue permits for the discharge of any wastewater to a storm sewer.

(e) Industrial users required to obtain a wastewater discharge permit shall complete the application shall be accompanied by a fee, as set forth in § 18-105(1). In support of any application, the industrial user shall submit, in units and terms appropriate for evaluation, the following information:

- (i) Name, address, and location (if different from the address);
- (ii) NAICS code of both the industry and any categorical processes;
- (iii) Wastewater constituents and characteristics including but not limited to those mentioned in § 18-104 of this chapter and which are limited in the appropriate categorical standard, as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with 40 CFR part 136;
- (iv) Time and duration of the discharge;
- (v) Average daily peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;
- (vi) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, and appurtenances;
- (vii) Description of activities, facilities, and plan processes on the premises, including all materials which are or could be discharged to the POTW;
- (viii) Each product produced by type, amount, process or processes, and rate of production;
- (ix) Type and amount of raw materials processed (average and maximum per day);
- (x) Number and type of employees, and hours of operation, and proposed or actual hours of operation of the pretreatment system;
- (xi) The nature and concentration of any pollutants in the discharge which are limited by any county, state, or federal standards, and a statement whether or not the standards are being met on a consistent basis and if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required for the user to meet all applicable standards;

(xii) Any other information as may be deemed by the superintendent to be necessary to evaluate the permit application.

(f) If additional pretreatment, BMPs, and/or O&M will be required to meet the standards, then the industrial user shall provide the shortest schedule to accomplish such additional treatment, BMPs, and/or O&M. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:

(i) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, beginning operation, and beginning routine operation).

(ii) No increment referred to in (i) above shall exceed nine (9) months, nor shall the total compliance period exceed eighteen (18) months.

(iii) No later than fourteen (14) calendar days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the superintendent.

(g) The superintendent will evaluate the data furnished by the industrial user and may require additional information. Within sixty (60) days of receipt of a complete permit application, the superintendent will determine whether to issue an individual wastewater discharge permit. After evaluation and acceptance of the data furnished, the superintendent may issue a wastewater discharge permit subject to terms and conditions provided herein. The superintendent may deny any application for an individual wastewater discharge permit.

(h) Wastewater discharge permits may be modified by the superintendent, upon thirty (30) days' notice to the permittee, for just cause. Just cause shall include, but not be limited to:

- (i) Promulgation of an applicable national categorical pretreatment standard;
- (ii) Revision of or a grant of a variance from such categorical standards pursuant to 40 CFR 403.13;
- (iii) Changes in general discharge prohibitions and local limits;
- (iv) Changes in processes used by the permittee, or changes in discharge volume or character;
- (v) Changes in design or capability of any part of the POTW;
- (vi) Discovery that the permitted discharge causes or contributes to pass through or interference; and
- (vii) The need to add to or revise BMP requirements.

(i) Wastewater discharge permits shall be expressly subject to all the provisions of this chapter, and all other applicable regulations, user charges and fees established by the water and wastewater board. Permits may contain the following:

- (i) Limits on the average and maximum rate and time of discharge, or requirements or flow regulation and equalization, or BMPs required to meet permit requirements.
- (ii) Limits on the average and maximum wastewater constituents and characteristics, including concentration or mass discharge limits.
- (iii) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW.
- (iv) Requirements for installation and maintenance (in safe condition) of inspection and sampling facilities.
- (v) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.
- (vi) Compliance schedules.
- (vii) Requirements for submission of technical reports or discharge reports.
- (viii) Requirements for maintaining and retaining plant records relating to wastewater discharge, as specified by the city, and affording the superintendent access thereto.

(ix) Requirements for notification of the city of any new introduction of wastewater constituents or of any substantial change in the volume or character of the wastewater constituents being introduced into the POTW.

(x) Requirements for the notification of the city of any change in the manufacturing and/or pretreatment process used by the permittee.

(xi) Requirements for notification of excessive, accidental, or slug discharges. Significant industrial users are required to notify the superintendent immediately of any changes at its facility affecting the potential for a slug discharge. Requirements to control slug discharge, if determined by the superintendent to be necessary.

(xii) Other conditions as deemed appropriate by the city to ensure compliance with this chapter, and state and federal laws, rules, and regulations.

(j) Permits shall be issued for a specified time period of from one (1) to five (5) years.

(k) The user shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification, by the superintendent, during the term of the permit, as limitations or requirements, as identified in § 18-104, or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of the change. Any changes or new conditions in the reissued permit shall include a reasonable time schedule for compliance.

(l) Wastewater discharge permits are issued to a specific user for a specific operation, or discharge at a specific location. A wastewater discharge permit shall not be reassigned, transferred, or sold to a new owner, new user, different premises, or a new or changed operation.

(m) Wastewater discharge permits may be revoked for the following reasons: falsifying records and/or self-monitoring reports, tampering with monitoring equipment, refusing to allow the superintendent timely access to the industrial premises, failure to meet effluent limitations, failure to pay penalties, failure to pay user charges, and failure to meet compliance schedules.

(5) Reporting requirements for permittee. (a) Baseline monitoring report. Reporting requirements for industrial users upon effective date of categorical pretreatment standard baseline report. Within one hundred



eighty (180) days after the effective date of a categorical pretreatment standard, or one hundred eighty (180) days after the final administrative decision made upon a category determination submission under 400-40-14-06(1)(d), whichever is later, existing industrial users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to a POTW shall be required to submit to the control authority a report which contains the information listed in subsections (4)(a)(i) and (vii) of this section. At least ninety (90) days prior to commencement of discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the control authority a report which contains the information listed in subsections (4)(a)(i) and (v) of this section. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New sources shall give estimates of the information requested in subsections (iv) and (v) of this section:

(i) Identifying information. The user shall submit the name and address of the facility including the name of the operator and owners;

(ii) Permits. The user shall submit a list of any environmental control permits held by or for the facility;

(iii) Description of operations. The user shall submit a brief description of the nature, average rate of production, and standard industrial classification of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes;

(iv) Flow measurement. The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

(A) Regulated process streams; and

(B) Other streams as necessary to allow use of the combined wastestream formula of 400-40-14-.06(5). (See part (v)(D) of this subsection.) The control authority may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

(v) Measurement of pollutants. (A) The user shall identify the pretreatment standards applicable to each regulated process;

(B) In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the standard or control authority) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. In cases where the standard requires compliance with a best management practice or pollution prevention alternative, the user shall submit documentation as required by the control authority or the applicable standards to determine compliance with the standard;

(C) The user shall take a minimum of one (1) representative sample to compile that data necessary to comply with the requirements of this subsection.

(D) Samples should be taken immediately downstream from pretreatment facilities if such exists or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula of 400-40-14-.06(5) in order to evaluate compliance with the pretreatment standards. Where an alternative concentration or mass limit has been calculated in accordance with 400-40-14-.06(5) this adjusted limit along with supporting data shall be submitted to the control authority;

(E) Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto. Where 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable

sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the administrator;

(F) The control authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

(G) The baseline report shall indicate the time, date and place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

(vi) Certification. (A) A statement, reviewed by an authorized representative of the industrial user (as defined in § 18-102(8)) and certified to by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements; and

Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the industrial user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

(B) Where the industrial user's categorical pretreatment standard has been modified by a removal allowance (400-40-14-.07), the combined wastestream formula (400-40-14-.06(5)), and/or a fundamentally different factors variance (400-40-14-.13) at the time the user submits the report required by subsection (4) of this rule, the information required by subsections (5)(a)(vi) and (vii) of this section shall pertain to the modified limits.

(C) If the categorical pretreatment standard is modified by a removal allowance (400-40-14-.07), the combined wastestream formula (400-40-14-.06(5)), and/or a fundamentally different factors variance (400-40-14-.13) after the user submits the report required by subsection (2)

of this rule, any necessary amendments to the information requested by subsections (5)(a)(vi) and (vii) of this section shall be submitted by the user to the control authority within sixty (60) days after the modified limit is approved.

(6) Ninety (90) day compliance report. Report on compliance with categorical pretreatment standard deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards or in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to pretreatment standards and requirements shall submit to the control authority a report containing the information described in subsections (2)(d) and (f) of this rule. For industrial users subject to equivalent mass or concentration limits established by the control authority in accordance with the procedures in 400-40-14-.06(3), this report shall contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period.

(7) Periodic compliance reports. (a) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the superintendent, before the fifteenth (15th) of the month in March and September, unless required more frequently in the pretreatment standard or by the superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the user must submit documentation required by the superintendent or the pretreatment standard necessary to determine the compliance status of the user. The superintendent may agree to alter the months during which the above reports are to be submitted, however, no fewer than two (2) reports shall be submitted per year.

(b) The superintendent may impose mass limitations on users, which are using dilution to meet applicable pretreatment standards or requirements, or, in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by § 18-106 shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of

discharge sampling and analysis, including the flow, and the nature and concentration, or production and mass, where requested by the superintendent, of pollutants contained therein, which are limited by the applicable pretreatment standard. All analyses shall be performed in accordance with 40 CFR part 136.

(c) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the industrial user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

(i) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the industrial user to meet the applicable categorical pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.).

(A) No increment referred to in subsection (i) of this section shall exceed nine (9) months.

(B) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the control authority including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the control authority.

(ii) The industrial user shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user

discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user.

(A) An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of mass of constituents in the wastestream expected to be discharged during the following twelve (12) months.

(B) All notifications must take place within one hundred eighty (180) days of the effective date of the ordinance comprising this chapter. Industrial users who commence discharging after the effective date of the ordinance comprising this chapter shall provide the notification no later than one hundred eighty (180) days after the discharge of the listed or characteristic hazardous waste. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 CFR 403.12(j). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12(b), (d), and (e).

(iii) Dischargers are exempt from the requirements of paragraph one of this section during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one (1) time notification. Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification. In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations. In the case of any notification made under this section, the industrial user shall certify that it has a program in

place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(iv) Notice of potential problems, including slug loading. All categorical and non-categorical industrial users shall notify the POTW immediately of all discharges that could cause problems to the POTW, including any slug loadings, as defined by 400-40-14-.05(2), by the industrial user.

(v) Notification of changed discharge. All industrial users shall promptly notify the control authority (and the POTW if the POTW is not the control authority) in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification.

(vi) Other reports. The superintendent may impose reporting requirements equivalent to the requirements imposed by § 18-106 for users not subject to pretreatment standards.

(8) Slug loads and monitoring stations. (a) No person shall cause the discharge of slugs to the POTW. Each person discharging, into the POTW, greater than one hundred thousand (100,000) gallons per day or greater than five percent (5%) of the average daily flow in the POTW, whichever is the lesser, may be required to install and maintain, on his property and at his expense, a suitable storage and flow control facility to insure equalization of flow over a twenty-four (24) hour period. The facility shall have a capacity for at least fifty percent (50%) of the daily discharge volume and shall be equipped with alarms and a rate of discharge controller, the regulation of which would be directed by the superintendent. A wastewater discharge permit may be issued solely for flow equalization.

(i) All significant industrial users, and other industrial users whose industrial waste discharge has caused or may cause interference or pass-through may be required to install and maintain a suitable monitoring station, on their premises at their expense, to facilitate the observation, sampling, and measurement of their industrial wastewater discharge.

(ii) If there is more than one (1) street lateral serving an industrial user, the superintendent may require the installation of a control manhole on each lateral.

(iii) The superintendent may require that such monitoring station(s) include equipment for the continuous measurement and

recording of wastewater flow rate and for the sampling of the wastewater. Such station(s) shall be accessible and safely located, and the industrial user shall allow immediate access, without prior notice, to the station by the superintendent, or his designated representative.

(iv) Preliminary treatment, and flow equalization facilities, or monitoring stations, if provided for any wastewater, shall be constructed and maintained continuously clean, safe, and operational by the owner at his expense. Construction of new or upgraded facilities shall not commence until written approval of the superintendent has been obtained.

(b) The superintendent shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The superintendent may require any user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. Alternatively, the superintendent may develop such a plan for any user. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

(i) Description of discharge practices, including nonroutine batch discharges;

(ii) Description of stored chemicals;

(iii) Procedures for immediately notifying the superintendent of any accidental or slug discharge, as required by § 18-106(8)(a) of this chapter; and

(iv) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(9) Vandalism, tampering with measuring devices. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, tamper with, prevent access, or render inaccurate, or cause or permit the malicious willful, or negligent breaking, damaging, destroying, uncovering, defacing, tampering with, preventing access, or rendering inaccurate to:



(a) Any structure, appurtenance, or equipment which is a part of the city POTW; or

(b) Any measuring, sampling, and/or testing device or mechanism installed.

(c) Violators will be subject to a civil penalty of at least one thousand dollars (\$1,000.00) and up to twenty-five thousand dollars (\$25,000.00) per violation.

(10) Sampling and analysis. All measurements tests, and analyses of the characteristics of waters and wastes required in any section of this chapter shall be carried out in accordance with 40 CFR 403.12(b), (d), (g)(3), and (h). Such samples shall be taken at the approved monitoring station described in § 18-106(8), if such a station exists. If an approved monitoring station is not available, then samples shall be taken from another location on the industrial sewer lateral before discharge to the public sewer. Unless specifically requested otherwise, or unless specifically not allowed in federal regulation, samples shall be gathered as composite samples made up of individual samples taken not less than once per hour for the period of time equal to the duration of industrial wastewater discharge during daily operations (including any cleanup shift).

(a) Except as indicated in subsections (i) and (ii) below, the user must collect wastewater samples using twenty-four (24) hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the superintendent. Where time-proportional composite sampling or grab sampling is authorized by the city, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organic and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the city, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

(i) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(ii) For sampling required in support of baseline monitoring and ninety (90) day compliance reports required in § 18-106(5)(a) (40 CFR 403.12(b) and (d)), a minimum of four (4)

grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the superintendent may authorize a lower minimum. For the reports required by § 18-106(5) (40 CFR 403.12(e) and 403.12(h)), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance by with applicable pretreatment standards and requirements.

(b) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(c) All categorical industries will be monitored at the end of each process where applicable (40 CFR 403.6). The use of the combined waste stream formula (40 CFR 403.6.e) is discouraged whenever it is possible to collect samples at the end of process. All industries, including categorical industries, are subject to the pretreatment limits of this chapter at the point their effluent enters the collection system (end of pipe).

(d) If any permitted industry monitors any pollutants more frequently than required by this permit, using test procedures prescribed in 40 CFR part 136 or amendments thereto, or otherwise approved by EPA or as specified by the permit issued to the industry, the results of such monitoring shall be included in any calculation of actual daily maximum or monthly average pollutant discharge and results shall be reported in the report submitted to the city.

(e) If the results of the permitted industry wastewater analysis indicates that a violation of this permit has occurred, the permittee must inform the city of the violation within twenty-four (24) hours, and repeat the sampling and pollutant analysis within thirty (30) days of the first violation.

(f) If the city performed the sampling and analysis in lieu of the industrial user, the city will perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat sampling and analysis. (See 40 CFR 403.12(g)(2).)

(11) Accidental discharges. Each user shall provide for protection from accidental discharges of prohibited materials or of materials in volume or

concentration exceeding limitations of this chapter or of an industrial wastewater discharge permit when required by the superintendent, detailed plans and procedures to provide for this protection shall be submitted to the superintendent, for approval. This plan shall be called a Spill Prevention plan. Users shall immediately (within eight (8) hours) notify the superintendent of the discharge of wastes in violation of this chapter or any permit. Such discharges may result from:

- (a) Breakdown of pretreatment equipment;
- (b) Accidents caused by mechanical failure, or negligence;
- (c) Other causes.

Where possible, such immediate notification shall allow the superintendent to initiate appropriate countermeasure action at the POTW. The user shall prepare a detailed written statement, which describes the causes of the discharge and the measures being taken to prevent future occurrences, within five (5) days of the occurrence, and the superintendent shall receive a copy of such report no later than the seventh calendar day following the occurrence. Analytical results and their interpretation may be appended to the report at a date not exceeding forty-five (45) calendar days after the occurrence.

(12) Posting notices. In order that the industrial user's employees be informed of the city requirements, a notice shall be permanently posted on appropriate bulletin boards within the user's facility advising employees of the city requirements and whom to call in case of an accidental discharge in violation of this chapter.

(13) Sample splitting. When so requested in advance by an industrial user, and when taking a sample of industrial wastewater, the city representative(s) shall gather sufficient volume of sample so that the sample can be split into two (2) nearly equal volumes, each of size adequate for the anticipated analytical protocols. One (1) of the volumes shall be given to the industry whose wastewater was sampled, and the other shall be retained by the city for its own analysis.

(14) Access to information. (a) When requested, the superintendent shall make available, to the public, for inspection and/or copying, information and data on industrial users obtained from reports, questionnaires, permit applications, permit and monitoring programs, and inspections, unless the industrial user specifically requests, and is able to demonstrate to the satisfaction of the superintendent, that such information, if made public, would divulge processes or methods of production entitled to protection as trade secrets of the user. Wastewater constituents and characteristics, and reports of accidental discharges shall not be recognized as confidential.

(b) Confidential information shall not be made available for inspection and/or copying by the public but shall be disclosed, upon written request, to governmental agencies, for uses related to this chapter, or the NPDES permit. The superintendent shall provide written notice to the industrial user of any disclosure of confidential information to another governmental agency.

(15) Access to property. The superintendent and other authorized representatives of the city, EPA, state, and/or county health department, bearing proper credentials and identification, shall be permitted to enter upon all non-residential properties at all reasonable times for the purpose of inspection, observation, sampling, flow measurement, and testing to ascertain a user's compliance with applicable provisions of federal and state law governing use of the Lewisburg POTW, and with the provisions of this chapter. Inspections of residential properties shall be performed in proper observance of the resident's civil rights. Such representative(s) shall have the right to set up, on the user's property or property rented/leased by the user, such devices as are necessary to conduct sampling or flow measurement. Guard dogs shall be under proper control of the user while the representatives are on the user's property or property rented/leased by the user. Such representative(s) shall, additionally, have access to and may copy any records the user is required to maintain under this chapter. Where a user has security measures in force which would require proper identification and clearance before entry into the premises, the user shall make necessary arrangements so that upon presentation of suitable identification, inspecting personnel will be permitted to enter, without delay, for the purpose of performing the specific responsibilities.

(16) Access to easements. The superintendent, and other authorized representatives of the city, EPA, state, and/or county health department bearing proper credentials and identification, shall be permitted to enter all private premises through which the city holds an easement for the purpose of inspection, observation, measurement, sampling, repair, and maintenance of any portion of the city public sewer system lying within the easement. All entry and subsequent work on the easement shall be done in accordance with the terms of the easement pertaining to the private premises involved.

(17) Liability of property owner. During the performance, on private premises, of inspections, sampling, or other similar operations referred to in this chapter, the inspectors shall observe all applicable safety rules established by the owner or occupant of the premises. The owner and/or occupant shall be held harmless for personal injury or death of the inspector and the loss of or damage to the inspector's supplies and/or equipment; and the inspector shall indemnify the owner and/or occupant against loss or damage to property of the owner or

occupant by the inspector and against liability claims asserted against the owner or occupant for personal injury or death of the inspector or for loss of or damage to the inspector's supplies or equipment arising from inspection and sampling operations, except as such may be caused by negligence or failure of the owner or occupant to maintain safe conditions.

(18) Maintenance of records. Any industrial user subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section.

Any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with best management practices established under § 18-104(2)(j).

Such records shall include for all samples:

- (a) The date, exact place, method, and time of sampling and the names of the persons taking the samples;
- (b) The dates analyses were performed;
- (c) Who performed the analyses;
- (d) The analytical techniques/methods used; and
- (e) The results of such analyses.

Any industrial user subject to the reporting requirement established in this section shall be required to retain for a minimum of three (3) years all records of monitoring activities and results (whether or not such monitoring activities are required by this section) and all records relative to any BMP requirements, and shall make such records available for inspection and copying by the pretreatment supervisor, Director of the Division of Water Resources, Tennessee Department of Environment and Conservation or the Environmental Protection Agency. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or the POTW or when requested by the pretreatment coordinator, the approval authority, or the Environmental Protection Agency. (1985 Code, § 8-206, as replaced by Ord. #12-11, Dec. 2012, and Ord. #15-08, Oct. 2015)

**18-107. Building sewers and connections.** (1) Building sewer permit. There shall be two (2) classes of building sewer permits:

- (a) For residential and commercial service; and
- (b) For service to establishments producing industrial wastes.

In either case, the customer 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 such as grease traps needed by

restaurants dining halls or any other type of eating establishments, considered pertinent in the judgment of the superintendent.

A permit and inspection fee as currently in effect for a residential or commercial building sewer permit and for an industrial building sewer permit shall be paid to the city at the time the application is filed. Applicants for industrial building sewer permits shall provide a description of the constituents of the waste and shall provide a laboratory analysis of the actual waste if the facility is operated, or of a similar waste if the applicant's facility is not operated and has another facility in operation with a similar waste.

(2) Connections. All costs and expense incident to the installation and connection of the building sewer shall be borne by the customer. The customer shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

A separate and independent building sewer shall be provided for every building; except where a building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(3) Installation. Old building sewers may be used in connection with new buildings only when they are found, on examination and tests by the superintendent, to meet all requirements of this chapter.

(a) New building sewers shall be at least four inches (4") in diameter. Larger building sewers may be used as necessary in order to carry the flow anticipated. New four-inch (4") building sewers shall be laid on a grade of at least one percent (1.0%). Larger new building sewers shall be laid on a grade that will produce a velocity when flowing full of at least two feet (2') per second. Slope and alignment of all new building sewers shall be neat and regular. Pipe materials as specified below shall be used. Pipe shall conform to the appropriate ASTM specification and shall be laid in conformation with the appropriate ASTM specification of the W.P.C.F. Manual of Practice, No. 9.

(b) New building sewers shall be constructed only of (1) poly-vinyl-chloride pipe (SDR21) with rubber compression or solvent weld joints; (2) ductile iron pipes with push-on joints; or (3) cast-iron soil pipe with single gasket sealed joints. Under no circumstances will cement mortar joints be acceptable. Each new connection to the public sewer must be made at a wye, or service line stubbed out, or in the absence of any other provision, by means of inserting a tee cut into the existing sewer approved by the city. No connection may be made by breaking into

an existing sewer and inserting the service line. In addition, the inserting of a service line into an existing or new building sewer is strictly prohibited.

(c) The new building sewer may be brought into the building below the basement floor when gravity flow from the building to the public sewer at a grade of one percent (1%) or more is possible. Where basement or floor levels are lower than the adjacent manholes at the point of connection to the public sewer customers shall not be connected by gravity flow. Pumps for basement service or floor levels lower than the adjacent manholes shall be used in order to avoid possible flooding of basements in case of sewer line surcharge. The cost of the pump shall be borne by the customer. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastes carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the expense of the customer.

Clean outs shall be installed on building sewers within five feet (5') of the outside wall of the structure and in one hundred foot (100') intervals thereafter.

(d) No person shall make connection of roof down spouts, 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 the public sewer.

If during periodic system inspections the city locates a point of entry of inflow in an owner's building sewer, the owner shall repair the defect(s) at his own expenses and furthermore notify the city upon completion so that an inspection can be made to determine the water tightness of the repair.

The connection of the new building sewer into the public sewer shall conform to the rules and regulations the city may establish and the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice, No. 9. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(e) The applicant for the new building sewer permit shall notify the superintendent when building sewer is ready for inspection and connection to the public sewer. All connections shall be made under the supervision of the superintendent or his representative before acceptance. An inspection shall be conducted while the line is uncovered.

(f) All excavations for new building sewer installations shall be adequately guarded with barricades and lights so as to protect the public

from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

This subsection of the chapter shall also include the replacement of an existing building sewer.

(4) Grease traps. Grease, oil, and sand interceptors shall be provided, when, in the opinion of the superintendent, they are necessary for the proper handling of wastewater containing excessive amounts of grease, flammable substances, sand, or other harmful substances; except that such interceptors shall not be required for private living quarters or living units. All interceptors shall be of type and capacity approved by the superintendent and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the owner, at his expense.

If, in the opinion of the superintendent, the grease trap is found to be deficient, or no grease trap exists, a new grease trap shall be installed at the owner's expense. Plans, specifications and any other pertinent information shall be submitted for approval prior to replacing the existing grease trap. The operator of a food sector establishment must keep and maintain at the food sector establishment a record of all grease interceptor inspections and maintenance carried out, recording the date of inspection, the date of cleaning or maintenance, the type and quantity of material removed from the grease interceptor and the disposal location. The inspection and maintenance record must be retained for a period of two (2) years and must be available for inspection by the superintendent.

(a) Exemptions. Food service operations that do not generate grease or solids may not require a grease trap or interceptor. These operations include, but are not limited to, the following:

- Bakeries (no deep frying);
- Coffee shops;
- Juice bars;
- Delicatessens;
- Fish shops;
- Meat sales;
- Fruit and vegetable markets;
- Sandwich bars.

Any other operations not listed that believe they do not generate wastewater containing grease or solids, may request an exemption by contacting the superintendent.



(b) All grease traps and interceptors must be designed using standard engineering principles for sedimentation and floatation in gravity separators. Baffles and good inlet design are required to deflect the flow across the surface areas of the units and sufficient grease and solids storage capacity is required. Grease traps and interceptors shall be rated for the designed flow-through rate of the unit in gallons/minute.

Grease traps and interceptors shall be sized according to the sum of the surge flow rates from all the plumbing fixtures connected to the grease trap or interceptor.

The following fixtures in the kitchens, food preparation areas or clean-up areas must be connected to the grease trap(s) or interceptor:

All sinks (hand basins optional);

Wash down hoods;

Floor drains;

Chinese cookers;

Floor drains under garbage compactors (food waste only);

Any other fixture that accepts wastewater that contains grease or solids;

Dishwashers and garbage grinders shall not be connected to the interceptor;

The size of the interceptor or trap shall be determined from the sum of the surge flow rates from the fixtures units connected to the grease trap or interceptor but no smaller than fifty (50) gpm.

Use the following tables for surge flow rates:

FIXTURE UNIT SURGE FLOW RATE	
Hand Sink	7.5
Restaurant Kitchen Sink	15
Single Compartment Scullery Sink	20
Double Compartment Scullery Sink	25
Triple Compartment Sink	30
Two Single Compartment Sinks	25
Two Double Compartment Sinks	30
Floor Drain	5

Calculate the sum of the surge flow rates from all fixtures connected to a grease trap or interceptor using the tables above. Design or select a pre-manufactured trap or interceptor rated to handle the total surge flow. The sum of the surge flow rates of fixtures discharging to a grease trap or interceptor shall not exceed the designed flow rate of the unit. More than one (1) grease trap or interceptor may be used in any operation to accommodate the flows. Grease traps and interceptors should be located outside whenever possible. If there is not space available outside, then the units should be located as close to the service door as possible. Outside units shall be situated so that storm water run-off cannot enter the grease interceptor.

(c) Servicing and maintenance is essential for the efficient operation of grease traps and interceptors. Servicing frequency is site-specific and is dependent on the amount of oil and grease and suspended solids generated at each operation and the size of the grease trap or interceptor. The volumes of greases and solids in grease traps and interceptors must not exceed the designed grease and solids storage capacity of the unit. A minimum of twelve (12) minutes of detention time is required for a properly operating grease trap. (1985 Code, § 8-207, as replaced by Ord. #12-11, Dec. 2012, and Ord. #15-08, Oct. 2015)

**18-108. Enforcement.** Whenever the superintendent has reason to believe that a violation of any provision of the pretreatment program of the pretreatment agency or orders of the local hearing authority issued pursuant thereto has occurred, is occurring, or is about to occur, the superintendent will cause one (1) or more of the following enforcement responses to be served:

(1) Administrative remedies. (a) Notice of violation. Whenever the superintendent finds that any user has violated or is violating this chapter, or Lewisburg Wastewater Discharge Permit, order, prohibition, limitation, or requirement permitted by this chapter, the superintendent may serve upon such person a written notice stating the nature of the violation. Within thirty (30) calendar days of the date of the notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof shall be submitted to the superintendent, by the user. The correction and prevention plan shall include specific actions. Submission of this plan in no way relieves the user of liability for any violations caused by the user before or after receipt of the notice of violation.

(b) Administrative or compliance order. When the superintendent finds that a user has violated or continues to violate this

chapter or a permit or order issued thereunder, he may issue an order to the user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless the violation is corrected and that there is no reoccurrence of the violation. 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.

The user may, within thirty (30) days of receipt of such order, petition the superintendent to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the superintendent by registered mail. The superintendent may:

- (i) Reject any frivolous petitions;
- (ii) Modify or suspend the order;
- (iii) Request additional information from the user; or
- (iv) Order the petitioner to show cause in accordance with

this section.

(c) Administrative penalties. Notwithstanding any other section of this chapter, any user who is found to have violated any provision of this chapter, or permits and orders issued hereunder, shall be penalized in an amount of at least one thousand dollars (\$1,000.00) and not to exceed ten thousand dollars (\$10,000.00) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation.

The user may, within thirty (30) calendar days of notification of such penalty, petition the superintendent to modify or suspend the penalty. Such petition shall be in written form and shall be transmitted to the superintendent by registered mail. The superintendent may:

- (i) Reject any frivolous petitions;
- (ii) Modify or suspend the fine;
- (iii) Request additional information from the user; or
- (iv) Order the petitioner to show cause in accordance with

this section.

(d) Cease and desist orders. When the superintendent finds that a user has violated or continues to violate this chapter or any permit or order issued hereunder, the superintendent may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

- (i) Comply forthwith;

- (ii) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations or terminating the discharge.

The user may, within thirty (30) days of receipt of such order, petition the superintendent to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the superintendent by registered mail. The superintendent may:

- (i) Reject any frivolous petitions;
- (ii) Modify or suspend the order;
- (iii) Request additional information from the user; or
- (iv) Order the petitioner to show cause in accordance with this section.

(e) Termination of permit. Any user who violates the following conditions of this chapter or a wastewater discharge permit or order, or any applicable or state and federal law, is subject to permit termination:

- (i) Violation of permit conditions;
- (ii) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (iii) Failure to report significant changes in operations or wastewater constituents and characteristics;
- (iv) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling.
- (v) Non-compliance industrial users will be notified, by registered mail, of the proposed termination of their wastewater permit.

(vi) The user may, within thirty (30) calendar days of receipt of such notification, petition the superintendent to permit continued use of the POTW by the user. Such petition shall be in written form and shall be transmitted to the superintendent by registered mail. The superintendent may:

- (A) Reject any frivolous petitions;
- (B) Request additional information from the user;

or

- (C) Order the petitioner to show cause in accordance with this section;
- (D) Reinstate permit;

(2) Water supply severance. Whenever a user has violated or continues to violate the provisions of this chapter or an order or permit issued hereunder,

water service to the user may be severed and service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

(a) The user may, within thirty (30) days of severance, petition the superintendent to reconnect water supply service. Such petition shall be in written form and shall be transmitted to the superintendent by registered mail. The superintendent may:

- (i) Reject any frivolous petitions;
- (ii) Reconnect the water supply;
- (iii) Request additional information from the user; or
- (iv) Order the petitioner to show cause in accordance with this section.

(3) Show cause hearing. The superintendent may order any user appealing administrative remedies for violations of this chapter to show cause, before the water and wastewater board why an enforcement action, initiated by the superintendent, should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the board regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the board why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) calendar days before the hearing. Service may be made on any principal or executive officer of a user's establishment or to any partner in a user's establishment.

The water and wastewater board may itself conduct the hearing and take evidence, or may designate any of its members or any officer or employee of the water and wastewater department to:

- (a) Issue, in the name of the water and wastewater board notices of hearings requesting the attendance and testimony of witnesses, and the production of evidence relevant to any matter involved in such hearings;
- (b) Take the evidence;
- (c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the board for action thereon.

After the board has reviewed the evidence, it may order the user to comply with the superintendent's order or penalty, modify the superintendent's order or penalty or vacate the superintendent's order or penalty.

(4) Judicial remedies. (a) Civil penalties. Any person who violates any of the provisions of or who fails to perform any duty imposed by this chapter, or any order or determination of the superintendent

promulgated under this chapter, or the terms of any permit issued hereunder, shall be liable to the city for a civil penalty of at least one thousand dollars (\$1,000.00) and not to exceed ten thousand dollars (\$10,000.00) for each such violation, to be assessed after a hearing held in conformance with the procedures set forth in this section. Each violation shall be separate and distinct violation, and in the case of continuing violation, each day's continuance thereof shall be deemed a separate and distinct violation. Such penalty may be recovered in an action brought by the city attorney at the request of the superintendent in the name of the city in any court of competent jurisdiction. In addition to the above described penalty and damages, the superintendent may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses. Such civil penalty may be released or compromised by the superintendent before the matter has been referred to the city attorney, and where such matter has been referred to the city attorney, any such penalty may be released or compromised and any action commenced to recover the same may be settled and discontinued by the city attorney, with the consent of the superintendent.

(b) Court orders. In addition to the power to assess penalties as set forth in this section, the superintendent shall have the power, following the hearing held in conformance with the procedures set forth in this section, to seek an order:

(i) Suspending, revoking, or modifying the violator's wastewater discharge permit;

(ii) Enjoining the violator from continuing the violation.

Any such order shall be sought in an action brought by the city attorney at the request of the superintendent in the name of the city, in any court of competent jurisdiction. The superintendent shall petition the court to impose, assess, and recover such sums imposed according to this section. In determining amount of liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

(c) Criminal penalties. Any person who willfully violates any provision of this chapter or any final determination or order of the superintendent made in accordance with this section shall, in addition, be guilty of a misdemeanor, and upon conviction thereof, shall be

punished by a fine of at least one thousand dollars (\$1,000.00) and not more than twenty-five thousand dollars (\$25,000.00) in accordance with the procedures set in Tennessee Code Annotated, § 69-3-15(c)(b)(c). Each offense shall be a separate and distinct offense, and, in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense.

Any user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of at least one thousand dollars (\$1,000.00) and not more than twenty-five thousand dollars (\$25,000.00) in accordance with the procedures set in Tennessee Code Annotated, § 69-3-15(c)(b)(c). No prosecution, under this section, shall be instituted until after final disposition of a show cause hearing, if any, was instituted.

(d) Injunctive relief. Whenever a user has violated or continues to violate the provisions of this chapter or permit or order issued hereunder, the superintendent, through counsel may petition the court, in the name of the city, for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains the violation of, or compels the compliance with any order or determination thereunder by the superintendent.

(e) Damages. Any person violating any of the provisions of this chapter shall, in addition, be civilly liable to the city for any expense, loss, or damage occasioned to the city by reason of such violation.

(f) Summary abatement. Notwithstanding any inconsistent provisions of this chapter, whenever the superintendent finds, after investigation, that any user is causing, engaging in, or maintaining a condition or activity which, in his judgment, presents an imminent danger to the public health, safety, or welfare, or to the environment, or is likely to result in irreparable damage to the POTW or the environment, and it therefore appears to be prejudicial to the public interest to delay action until notice and an opportunity for a hearing can be provided, the superintendent may, without prior hearing, order such user by notice, in writing wherever practicable or in such other form as practices are intended to be proscribed, to discontinue, abate, or alleviate such condition or activity; or where the giving of notice is impracticable, or in the event of a user's failure to comply voluntarily with an emergency

order, the superintendent may take all appropriate action to abate the violating condition, including but not limited to, judicial relief as provided in Tennessee Code Annotated, § 69-3-127, or contract with a qualified person or persons to carry out the emergency measures. As promptly as possible thereafter, not to exceed thirty (30) calendar days, the superintendent shall provide the user an opportunity to be heard, in accordance with the provisions of this chapter. Any hearing or rehearing brought before the local hearing authority shall be conducted in accordance with Tennessee Code Annotated, § 69-3-124.

Any such order shall become final and not subject to review unless the person or persons named therein request by written petition a hearing before the local hearing authority as provided in this section, no later than thirty (30) days after the date such order is served in accordance with Tennessee Code Annotated, § 69-3-123.

The superintendent, acting upon the belief that an emergency exists, shall be indemnified against any personal liability that may arise in the performance of his duties to protect the public health, safety, or welfare, or to preserve the POTW.

(5) Enforcement response plan. The enforcement response plan describes how the POTW will investigate instances of noncompliance. It describes the types of escalated enforcement actions that the POTW will take in response to all anticipated types of industrial user violations and the time periods within which to initiate and follow up these actions.



Terms and abbreviations used in the Enforcement Response Plan	
AO	Administrative Order
Civil	Civil litigation against the industrial user seeking litigation equitable relief, monetary penalties and actual damages
Criminal	Pursuing punitive measures against an individual prosecution and/or organization through a court of law.
Penalty	Monetary penalty assessed by control authority officials.
I	Inspector
IU	Industrial User
Meeting	Informal compliance meeting with the IU to resolve recurring noncompliance.
NOV	Notice of Violation
PC	Pretreatment Coordinator
S	Superintendent
SV	Significant Violation
Show Cause	Formal meeting requiring the IU to appear and demonstrate why the control authority should not take a proposed enforcement action against it. The meeting may also serve as a forum to discuss corrective and compliance schedules.

UNAUTHORIZED DISCHARGES (No Permit)				
	Noncompliance	Nature of Violation	Enforcement Responses	Personnel
1	Un-permitted IU Discharge	IU unaware of requirement; no harm to POTW/ environment	-Phone calls; NOV with application form	I, PC
		IU unaware of requirement; harm to POTW	-AO with Penalty -Civil Action	PC S

	Noncompliance	Nature of Violation	Enforcement Responses	Personnel
		Failure to apply, continues after notice by the POTW	-Civil action	S
2	Non-permitted discharge (failure to renew)	IU has not submitted application within 10 days of due date	-Phone call; NOV	PC

DISCHARGE LIMIT VIOLATION				
	Noncompliance	Nature of Violation	Enforcement Responses	Personnel
1	Exceeding local or federal standard non-conventional pollutant limit	Isolated, not significant	Phone call; NOV	I, PC
		Isolated, significant (no harm)	AO to develop spill prevention plan	PC
		Isolated, harm to POTW or environment	-Show cause order -Civil action	PC, S
		Recurring; significant (harm)	-AO with penalty -Show cause order -Civil action -Terminate service	PC PC, S S S

MONITORING AND REPORTING VIOLATIONS				
	Noncompliance	Nature of Violation	Enforcement Responses	Personnel
1	Reporting violation	Report is improperly signed or certified	Phone call or NOV	I, PC
		Isolated, not significant (e.g., 5 days late)	Phone call; NOV	I, PC
		Significant (e.g., report 30 days or more late)	-NOV with penalty AO to submit with penalty	PC PC
		Reports are always late or no reports at all	-AO with penalty -Show cause order -Civil action	PC PC, S S

	Noncompliance	Nature of Violation	Enforcement Responses	Personnel
		Failure to report spill or changed discharge (no harm)	NOV	I, PC
		Failure to report spill or changed discharge (results in harm)	-AO with penalty -Civil action	PC S
		Failure to report BMPs	-Phone call; NOV	I, PC
		Repeated failure to report spills	-Show cause order -Terminate service	PC, S S
		Falsification	-Criminal investigation -Terminate service	S S
2	Failure to monitor correctly	Failure to monitor all pollutants as required by permit	-NOV or AO	I, PC
		Recurring failure failure to monitor	-AO with penalty -Civil action	PC S
3	Improper sampling	Evidence of intent	-Criminal investigation -Terminate service	S S
4	Failure to install monitoring equipment	Delay of less than 30 days	NOV	I, PC
		Delay of 30 days or more	AO to install; with fine for each additional day	PC
		Recurring violation of AO	-Civil action -Criminal investigation -Terminate service -Show cause order	PC S S S
5	Compliance schedules (in permit)	Missed milestone by less than 30 days, or will not affect final milestone	NOV	I
		Missed milestone by more than 30 days, or will affect final milestone (good cause for delay)	AO	PC

	Noncompliance	Nature of Violation	Enforcement Responses	Personnel
		Missed milestone by more than 30 days, (no good cause for delay)	-AO with penalty -Show cause order -Civil action -Terminate service	PC PC, S S S
		Recurring violation or violation of schedule in AO	-Civil action -Criminal investigation -Terminate service	S S S

OTHER PERMIT VIOLATIONS				
	Noncompliance	Nature of Violation	Enforcement Responses	Personnel
1	Waste streams are diluted in lieu of treatment	Initial violation	NOV	I
		Recurring	-AO with penalty -Show cause order -Terminate service	PC PC, S S
2	Failure to mitigate non-compliance or halt production	Does not result in harm	NOV	I
		Does result in harm	-AO with penalty -Civil action	PC S
3	Failure to operate and maintain pre-treatment facility	See No. 2 above		

	Noncompliance	Nature of Violation	Enforcement Responses	Personnel
1	Entry denial	Entry denied or consent withdrawn. Copies or records denied	Obtain warrant and return to IU	I, PC
2	Illegal discharge	No harm to POTW or environment	-AO	PC

	Noncompliance	Nature of Violation	Enforcement Responses	Personnel
		Discharges causes harm to POTW or environment	-AO with penalty -Civil action -Criminal investigation	PC S S
		Recurring, violation of AO	Terminate service	S
3	Improper sampling	Unintentional sampling at incorrect location	NOV	I, PC
		Unintentionally using incorrect sample type	NOV	I, PC
		Unintentionally using incorrect collection techniques	NOV	I, PC
		Monitoring facility not properly maintained	NOV	I, PC
4	Inadequate record keeping	Inspector finds files incomplete to missing (no evidence of intent)	NOV	I, PC
		Recurring	AO with penalty	PC
5	Failure to report additional monitoring	Inspection finds additional files	NOV	I, PC
		Recurring	AO with penalty	PC

#### TIME FRAMES FOR RESPONSES

(a) All violations will be identified and documented within five (5) days of receiving compliance information.

(b) Initial enforcement responses (invoking contact with the industrial user and requesting information on corrective or preventive action(s)) will occur within fifteen (15) days of violation detection.

(c) Follow up actions for continuing of reoccurring violations will be taken within sixty (60) days of the initial enforcement response. For all continuing violations, the response will include a compliance schedule.

(d) Violations which threaten health, property or environmental quality are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.

(e) All violations meeting the criteria for significant noncompliance will be addressed with an enforceable order within thirty (30) days of the identification of significant compliance.

(6) Significant noncompliance. The following criteria will be used for defining Significant Noncompliance (SNC) for purposes of enforcement (40 CFR 403.8f(2)(vii)):

(a) Wastewater violations. (i) Chronic violations. As defined in § 18-102(94)(a)(i);

(ii) Technical Review Criteria (TRC) violations. As defined in § 18-102(94)(a)(ii).

(iii) Any other violation of a pretreatment standard or requirement as defined by § 18-102 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the superintendent determines has caused alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public.

(iv) 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 ninety (90) days or more after the schedule date.

(c) Failure to accurately report noncompliance.

(d) Failure to provide required reports within thirty (30) days of the due date.

(e) Any other violation or group of violations which the POTW authority considers to be significant. (1985 Code, § 8-208, as replaced by Ord. #12-11, Dec. 2012, and Ord. #15-08, Oct. 2015)

**18-109. Waste subject to surcharge.** (1) Unacceptable wastes. Waters or wastes that are otherwise acceptable for discharge to sanitary sewers, but which have a BOD<sup>5</sup> in excess of 300 mg/l, a COD in excess of 800 per mg/l, a suspended solids content in excess of 300 mg/l, an oil and grease content, in excess of 100 mg/l, or any other compatible pollutant specified in this chapter shall be subject to a surcharge based on the actual considerations as compared to normal sanitary sewage, such surcharge being necessary to compensate the city for the extra costs of treating such wastes.

(2) Surcharge. All persons discharging or depositing wastes with concentrations in excess of the pollutant concentrations in normal sewage shall

pay a surcharge(s). The surcharge(s) shall be based on total monthly flow and the analytical results on not less than three (3) twenty-four (24) hour composite samples collected at the control manhole at unannounced, but approximately equal intervals during the preceding month. These samples will be collected and analyzed by the city, or a laboratory of the city's choice according to procedures set forth in 40 CFR part 136 for the pollutants found to be above the surcharge limit. Surcharge(s) will remain in effect until said discharger is able to provide data that demonstrates compliance with the permit and/or this chapter for one month. All sampling and analyses fees are to be paid by the discharger. The waste stream and all permitted pollutants will be sampled and analyzed by the city, at intervals no less than two (2) times per year. All samples shall be collected and analyses shall be made by competent operating personnel at the wastewater treatment plant or other persons designated by the city in accordance with 40 CFR part 136. The total sewer service charge, is comprised of two (2) parts, as follows:

$$T_{sc} = N_c + C_s$$

Where;  $T_{sc}$  = Total sewer charge  
 $N_c$  = Charge for normal wastewater  
 $C_s$  = Surcharge for wastewater exceeding the strength of "normal wastewater" expressed in dollars per billing period.

$$C_s = [(B_c \times B) + (S_c \times S) + (P_c \times P)] V_u$$

Effective on the date of the revision of this chapter  $B_c$ ,  $S_c$ , and  $P_c$  = \$1.00

Where:  $C_s$  = Surcharge for wastewater exceeding the strength of "normal wastewater" expressed in dollars per billing period.

$B_c$  = O&M cost for treatment of a unit of BOD<sup>5</sup> or COD expressed in dollars

$B$  = Concentration of BOD<sup>5</sup> or COD (using the one in greatest violation) from a user above the base level of 2.50 for BOD (or 6.67 for COD) lbs/1000 gallons expressed in pounds per 1000 gallons.

$$\text{Formula: } \frac{(\text{Results mg/l} - \text{Limit mg/l})}{\text{Limit mg/l}}$$

Sc = O&M costs for treatment of a unit of suspended solids expressed in dollars per pound.

S = Concentration of suspended solids from a user above the base level of 2.50 lbs/1000 gallons expressed in pounds per 1000 gallons.

PC = O&M cost for treatment of a unit of any conventional pollutant which the publicly owned treatment works is committed to treat by virtue of an NPDES permit or other regulatory requirement expressed in dollars per pound.

P = Concentration of any pollutant from a user above base level. Base levels for pollutants subject to surcharges will be established by the superintendent.

Vu = Volume contribution of a user per billing period. (Expressed in thousands of gallons).

Only conventual pollutants such as BOD<sup>5</sup>, COD, TSS, TKN, and ammonia may be accessed a surcharge. All other pollutants such as metals and organic chemicals may be accessed a penalty. Conventual pollutants that are over ten (10) times greater than permit limits may also be accessed a penalty. Testing of BOD<sup>5</sup> and COD may be required, but only the test causing the greatest violations of the two (2) test results will be used in the surcharge calculations.

The values of parameters used to determine user charges may vary from time to time. Therefore, the superintendent is authorized to modify any parameter or value as often as necessary. Review of all parameters and values shall be undertaken whenever necessary. Notes: If any difference terms in the equation above is negative, then that portion of the equation shall not be used, that is, the difference shall be set to zero when it is negative. All averages are arithmetic averages determined from available data during the billing period.

(3) Flow calculation. Flow calculation shall be based on procedures set forth in § 18-105(2). (1985 Code, § 8-209, as replaced by Ord. #12-11, Dec. 2012, and Ord. #15-08, Oct. 2015)

**18-110. Penalty; costs.** (1) Civil penalties. Any user who is found to have violated an order of the board or who willfully or negligently failed to



comply with any provision of this chapter, and orders, rules, regulations and permits issued hereunder, shall be assessed a civil penalty of at least one thousand dollars (\$1,000.00) for each offense in accordance with the procedures set in Tennessee Code Annotated, §§ 69-3-125 and 69-3-126 and CFR 403.8f1.vi. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the city may recover damages, reasonable attorneys' fees, court costs, appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations and permits issued hereunder.

Unless otherwise stipulated by the superintendent or the water and wastewater board, civil penalties will start at one thousand dollars (\$1,000.00) per violation for the first month. Industries with violations continuing for over two (2) months must be reviewed by the board for further action.

(2) Falsifying information. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater contribution permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction, be punished by penalty of at least one thousand dollars (\$1,000.00) and not more than twenty-five thousand dollars (\$25,000.00), in accordance with the procedures as set out in Tennessee Code Annotated, § 69-3-115(c)(b)(d).

(3) Public nuisance. Any building sewer, tap, line, holding tank, or mechanism through which wastewater is routed into the POTW allowing the discharge of any wastewater into the POTW containing a pollutant, causing interference with the POTW, containing any toxic pollutant, containing any prohibited substance described in § 18-104, or containing any combination of the foregoing, as set forth and defined in this chapter, it is hereby declared a public nuisance. The judicial remedy or remedies for abating public nuisances shall be cumulative to all other administrative and judicial remedies set forth in this chapter. (1985 Code, § 8-210, as replaced by Ord. #12-11, Dec. 2012, and Ord. #15-08, Oct. 2015)

**18-111. Water and wastewater (sewer) rates.** (1) The water and wastewater (sewer) rates by:

		Old Rate	New Rate	Amount
Inside City Water	6%	Inside City	Inside City	Increased
First 2,000 Gals (Minimum)		\$16.59	\$17.59	\$1.00
Next 10,000 Gals/1,000		\$ 3.69	\$3.91	\$0.22

Next 88,000 Gals/1,000	\$ 3.64	\$3.91*	\$0.27
Next 400,000 Gals/1,000	\$ 3.54	\$3.91*	\$0.37
Next 500,000 Gals/1,000	\$3.39	\$3.91*	\$0.52

Inside City Sewer	16%			
First 2,000 Gals (Minimum)		\$19.47	\$22.59	\$3.12
All over 2,000 Gals/1,000		\$ 6.49	\$ 7.53	\$1.04

		Old Rate	New Rate	Amount
Outside City Water	6%	Outside City	Outside City	Increased
First 2,000 Gals (Minimum)		\$20.38	\$21.60	\$1.22
Next 10,000 Gals/1,000		\$ 5.50	\$ 5.83*	\$0.33
Next 88,000 Gals/1,000		\$ 5.38	\$ 5.83*	\$0.45
Next 400,000 Gals/1,000		\$ 5.20	\$ 5.83*	\$0.63
Next 500,000 Gals/1,000		\$ 4.98	\$ 5.83*	\$0.85

Utility District	6%			
For Resale to Customer		\$ 2.65	\$ 2.81**	\$0.16**

Outside City Sewer	16%			
First 2,000 Gals (Minimum)		\$23.79	\$27.60	\$3.81
All over 2,000 Gals/1,000		\$ 8.44	\$ 9.79	\$1.35

\*Quantity discounts have been removed by state recommendation.

(a) The above rates shall be effective October 1, 2017.

(b) This ordinance amends prior ordinances regarding water and wastewater (sewer) rates.

(c) \*\*Utility district rate subject to be approved by Lewisburg Water Board, Fairview Utility and Marshall Co. Public Utility Board.

(2) The water and wastewater (sewer) rates be: (year two)

		Old Rate	New Rate	Amount
Inside City Water	6%	Inside City	Inside City	Increased
First 2,000 Gals (Minimum)		\$17.59	\$18.65	\$1.06
All additional 1,000 Gals		\$ 3.91	\$4.14	\$0.23

Inside City Sewer	16%			
First 2,000 Gals (Minimum)		\$22.59	\$26.20	\$3.61
All over 2,000 Gals/1,000		\$ 7.53	\$ 8.73	\$1.20

		Old Rate	New Rate	Amount
Outside City Water	6%	Outside City	Outside City	Increased
First 2,000 Gals (Minimum)		\$21.60	\$22.90	\$1.30

Next 10,000 Gals/1,000	\$ 5.83	\$ 6.18	\$0.35
<u>Utility District</u>	6%		
For Resale to Customer	\$ 2.81	\$ 2.98**	\$0.17**
<u>Outside City Sewer</u>			
First 2,000 Gals (Minimum)	\$27.60	\$32.02	\$4.42
All over 2,000 Gals/1,000	\$ 9.79	\$11.36	\$1.57

(a) The above rates shall be effective October 1, 2018.

(b) This ordinance amends prior ordinances regarding water and wastewater (sewer) rates.

(c) \*\* Utility district rate subject to be approved by Lewisburg Water Board, Fairview Utility and Marshall Co. Public Utility Board. (Ord. #99-06, Sept. 1999, as amended by Ord. #01-06, Sept. 2001, and Ord. #04-03, Sept. 2004, and replaced by Ord. #12-11, Dec. 2012, Ord. #13-07, Nov. 2013, Ord. #15-08, Oct. 2015, and Ord. #17-04, July 2017)

**18-112. Miscellaneous.** (1) Delinquent payments. If there shall be any payments which are due to the city, or any department thereof, pursuant to any chapter or section of this chapter, which shall remain due and unpaid, in whole or in part, for a period of twenty (20) calendar days from the date of billing by the city, the same shall constitute a default, and there shall be added to the entire amount of the original bill, a penalty equal to twenty percent (20%) of the original bill, and interest shall accrue on the unpaid balance, at the rate of two percent (2%) per month, retroactive to the date of the original billing.

Where charges are delinquent for a period of ninety (90) days, the city attorney is authorized to seek recovery of charges, including punitive damages, in a court of competent jurisdiction.

(2) Performance bonds. The superintendent may decline to reissue a permit to any user which has failed to comply with the provisions of this chapter or any order or previous permit issued hereunder unless such user first files with it a satisfactory bond, payable to the POTW, in a sum not to exceed a value determined by the superintendent to be necessary to achieve consistent compliance.

(3) Liability insurance. The superintendent may decline to reissue a permit to any user which has failed to comply with the provisions of this chapter or any order or previous permit issued hereunder unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair POTW damage caused by its discharge.

(4) Informant rewards. The superintendent is authorized to pay up to five hundred dollars (\$500.00) for information leading to the discovery of noncompliance by a user. In the event that the information provided results in an administrative fine or civil penalty levied against the user, the superintendent is authorized to disperse up to ten percent (10%) of the collected fine or penalty to the informant. However a single reward payment may not exceed ten thousand dollars (\$10,000.00).

(5) Public notification. The superintendent shall provide public notification, in the daily newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW of industrial users which were significantly in violation of local or federal pretreatment standards or requirements since the last such notice. The frequency of such notices shall be at least once per year. For the purposes of this section, a significant violation shall be a violation:

- (a) Which remains uncorrected forty-five (45) calendar days after notification of noncompliance.
- (b) Which is a part of a pattern of noncompliance over the past twelve (12) month period.
- (c) Which involves a failure to accurately report noncompliance.
- (d) Which resulted in the superintendent exercising his emergency authority to halt or prevent any discharge which presents an imminent danger to persons or property.
- (e) Which is a violation as defined in § 18-108.

(6) Conflicts. The provisions of any local law in conflict with any provision of this chapter are hereby repealed.

(7) Severability. Each provision of this chapter is severable from the others, so that if any provision is held to be illegal or invalid for any reason whatsoever, such illegal or invalid provision shall be severed from this chapter, which shall nonetheless remain in full force and effect.

(8) Signatory requirements for industrial user reports. The reports required by this chapter shall include the certification statement as set forth in subsection (9) below, and shall be signed as follows:

- (a) By a responsible corporate officer, if the industrial user submitting the reports required is a corporation. For the purpose of this subsection, a responsible corporate officer means:
  - (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or

(ii) The manager of one (1) or more manufacturing, production, or operating facilities, provided, the manager is authorized to make arrangement decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) By a general partner or proprietor if the industrial user submitting the reports required is a partnership or sole proprietorship respectively.

(c) By a duly authorized representative of the individual designated in subsections (a) or (b) of this section if:

(i) The authorization is made in writing by the individual described in subsection (a) or (b) of this section;

(ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

(iii) The written authorization is submitted to the control authority.

(d) If an authorization under subsection (8)(c) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of subsection (8)(c) of this section must be submitted to the control authority prior to or together with any reports to be signed by an authorized representative.

(9) 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. (1985 Code, § 8-211, as replaced by Ord. #12-11, Dec. 2012, and Ord. #15-08, Oct. 2015)

## CHAPTER 2

### **CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.**<sup>1</sup>

#### **SECTION**

- 18-201. Definitions.
- 18-202. Standards.
- 18-203. Construction, operation, and supervision.
- 18-204. Statement required.
- 18-205. Inspections required.
- 18-206. Right of entry for inspections.
- 18-207. Correction of existing violations.
- 18-208. Use of protective devices.
- 18-209. Unpotable water to be labeled.
- 18-210. Mortuaries.
- 18-211. Provision applicable.
- 18-212. Violations.
- 18-213. Severability clause.

**18-201. Definitions.** The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

1. "Public water supply." The waterworks system which furnishes water to Lewisburg for general use and which is recognized as the public water system by the Tennessee Department of Environment and Conservation.
2. "Cross connection." Any physical arrangement whereby the public water system is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains, or may contain, contaminated water, sewage, 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. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices through which, or because of which, backflow could occur are considered to be cross connections.

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<sup>1</sup>Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

3. "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.
4. "Bypass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.
5. "Interconnection." Any system of piping or other arrangement whereby the public water system is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain sewage or other waste or liquid which would be capable of imparting contamination to the public water system.
6. "Person." Any individual, corporation, company, association, partnership, state, municipality, utility district, water cooperative, or federal agency.
7. "Superintendent." That person in charge of the operation of the Lewisburg Water System or the authorized representative of that person. (1985 Code, § 8-301)

**18-202. Standards.** The Lewisburg Public Water System is to comply with Tennessee Code Annotated, §§ 618-121-701 through 618-121-720 as well as the Rules and Regulations for Public Water Systems, legally adopted in accordance with this code, which pertain to cross connections, auxiliary intakes, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses. Installation criteria for backflow prevention devices are to be provided by the superintendent. (1985 Code, § 8-302)

**18-203. Construction, operation, and supervision.** No person shall cause a cross-connection, auxiliary intake, bypass, or interconnection to be made, or allow one to exist for any purpose whatsoever unless the construction and operation of same has been approved by the Tennessee Department of Environment and Conservation, and the operation of such cross-connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the superintendent of the Lewisburg Public Water System. (1985 Code, § 8-303)

**18-204. Statement required.** Any person whose premises are supplied with water from the public water system and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the superintendent a statement of the non-existence of unapproved or unauthorized cross connections, auxiliary



intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. (1985 Code, § 8-304)

**18-205. Inspections required.** It superintendent shall inspect all properties served by the public water system where cross connections with the public water system are deemed possible. The frequency of inspections and reinspection, based on potential health hazards involved, shall be established by the superintendent in accordance with guidelines acceptable to Tennessee Department of Environment and Conservation. (1985 Code, § 8-305)

**18-206. Right of entry for inspections.** The superintendent of the waterworks or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the public system or systems therein for the purpose of inspecting the piping system or systems therein for cross connections, auxiliary intakes, bypasses, or interconnections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections. Guard dogs shall be under proper control of the user while the representatives are on the user's property or property rented/leased by the user. Where a user has security measures in force which would require proper identification and clearance before entry into the premises, the user shall make necessary arrangements so that upon presentation of suitable identification, inspecting personnel will be permitted to enter, without delay, for the purpose of performing their specific responsibilities. (1985 Code, § 8-306)

**18-207. Correction of existing violations.** Any person who now has cross connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the superintendent. The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the Tennessee Code Annotated, § 618-121-711, within a reasonable time and within the time limits set by the Lewisburg Public Water System, 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 system in such a manner that the two systems cannot again be connected by an unauthorized person.

Where cross connections, interconnections, auxiliary intakes, or bypasses are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the superintendent of the water system shall require that immediate corrective action be taken to eliminate the threat to the public water system. Immediate steps shall be taken to disconnect the public water system from the on-site piping system unless the hazard(s) is corrected immediately. (1985 Code, § 8-307)

**18-208. Use of protective devices.** Where the nature of use of the water supplied a premises by the water department is such that it is deemed:

1. Impractical to provide an effective air-gap separation.
2. That the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the superintendent or his designated representative, 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.
3. That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing.
4. That there is a likelihood that protective measures may be subverted, altered, or disconnected.

Then the superintendent, or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein.

The protective device shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Environment and Conservation as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the superintendent prior to installation and shall comply with the criteria set forth by the Tennessee Department of Environment and Conservation. The installation shall be at the expense of the owner or occupant of the premises.

Personnel of the Lewisburg Public Water System shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the superintendent or his designated representative. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to

avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where it is found that only one unit has been installed and the continuance of service is critical, the superintendent shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test or repair the device. The water system shall require the occupant of the premises to make all repairs indicated promptly, and to keep any protective device working properly. The expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel acceptable to the superintendent. The failure to maintain backflow prevention devices in proper working order shall be grounds for discontinuing water service to a premises. Likewise, the removal, bypassing, or altering a protective device or the installation thereof so as to render the devices ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the superintendent. (1985 Code, § 8-308)

**18-209. Unpotable water to be labeled.** The potable water system made available to premises served by the public water system shall be protected from possible contamination as specified herein. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE

FOR DRINKING

Minimum acceptable sign shall have black letters at least one-inch high located on a red background. (1985 Code, § 8-309)

**18-210. Mortuaries.** All mortuaries utilizing the Lewisburg public water supply in the preparation of bodies must have a properly installed reduced pressure backflow preventer for the protection of the public water supply. All water which is used in the preparation room must pass through a reduced pressure backflow preventer. The backflow prevention device used must be of an approved type. (1985 Code, § 8-310)

**18-211. Provision applicable.** Requirements contained herein shall apply to all premises served by the Lewisburg Public Water System regardless of political subdivision boundaries, and are hereby made a part of the conditions

required to be met for the Lewisburg Public Water System to provide water service to any premises. Such action, being essential for the protection of the water distribution system against the entrance of contamination which may render the water unsafe healthwise, or otherwise undesirable, shall be enforced rigidly without regard to location of the premises, relative to boundaries of any political subdivision. (1985 Code, § 8-311)

**18-212. Violations.** Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefore, shall be fined not less than ten dollars (\$10) nor more than fifty dollars (\$50), and each day of continued violation after conviction shall constitute a separate offense.

The superintendent shall also discontinue the public water system to any premises within which there is found to be a cross-connection, auxiliary intake, bypass or inter-connection. Water service shall not be restored until such cross-connection, auxiliary intake, bypass, or inter-connection has been discontinued. (1985 Code, § 8-312)

**18-213. Severability clause.** Should any part(s) of this chapter be declared invalid for any reason, no other part(s), of this chapter shall be affected thereby. (1985 Code, § 8-313)

**CHAPTER 3****STORMWATER ORDINANCE****SECTION**

18-301. Stormwater ordinance.

18-302.--18-313. Deleted.

**18-301. Stormwater ordinance.** The Stormwater Ordinance for the City of Lewisburg, and any amendments thereto, may be found in the office of the recorder. (as added by Ord. #03-09, May 2004, and replaced by Ord. #09-10, Nov. 2009, Ord. #11-06, Sept. 2011, Ord. #15-02, Feb. 2015, and Ord. #19-09, Nov. 2019 *Ch13\_10-13-20*)

**18-302.--18-313. Deleted.** (as added by Ord. #11-06, Sept. 2011, replaced by Ord. #15-02, Feb. 2015, and deleted by Ord. #19-09, Nov. 2019 *Ch13\_10-13-20*)

**TITLE 19<sup>1</sup>**

**ELECTRICITY AND GAS**

**[RESERVED FOR FUTURE USE]**

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<sup>1</sup>Municipal code references

Electrical power board: Title 2.

Natural gas board: Title 2.

**TITLE 20****MISCELLANEOUS****CHAPTER**

1. MISCELLANEOUS.
2. POLICIES AND RULES PERTAINING TO CITY OWNED CEMETERIES.
3. BURGLARY/ROBBERY ALARM REGULATIONS.
4. TREE CITY U.S.A. COMMUNITY.
5. PUBLIC RECORDS ACCESS AND DUPLICATION.
6. CONSTRUCTION OF FENCES.
7. RESIDENTIAL LANDLORD REGISTRATION.

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

- 20-101. Restriction on providing utilities to new buildings.
- 20-102. Special event permit.

**20-101. Restriction on providing utilities to new buildings.** It shall be unlawful for any city board or employee to provide any new building or building site within the city with any utility service before a building permit has been issued. Upon discovery of a violation of this section, it shall be the duty of the utility board having jurisdiction to discontinue its service immediately until a building permit is issued. (1985 Code, § 13-401)

**20-102. Special event permit.** A non-refundable application fee of two hundred fifty dollars (\$250.00) for a special event permit shall be accompanied by a permit review fee as established from time to time by the city council. The event sponsor shall be responsible for paying these fees. Government entities and entities that are tax exempt under section 501 of the Internal Revenue Code shall be exempt from permit fees. (as added by Ord. #23-22, June 2023 *Ch15\_06-28-23*)



## CHAPTER 2

### **POLICIES AND RULES PERTAINING TO CITY OWNED CEMETERIES**

#### **SECTION**

20-201. Policies, rules, regulations, etc.

**20-201. Policies, rules, regulations, etc.** (1) No flowers and/or objects that obstruct mowing and maintenance (March 15 through October 15) will be allowed on graves.

(2) No shrubs or small trees shall be allowed to be placed within the cemetery.

(3) No planting of live flowers with the exception of peonies will be allowed. Planting of peonies will be at the left or right of the headstone/foot of grave.

(4) Benches and/or seats will be permitted provided the bench and/or seat is placed at the foot of the grave and allows an unobstructed path across the grave for mowing and maintenance purposes. Placement of any bench and/or seat shall have the approval of the cemeterian prior to placing the bench and/or seat.

(5) No flowers shall remain on the burial site over one (1) week past the burial date.

(6) Human remains only.

(7) Any cemetery lot(s) an individual wishes to sell/transfer must first be offered to the City of Lewisburg to purchase. The city may or may not purchase the lot(s) at the price the individual originally paid to the city.

(8) Live flowers may be placed on gravesite three (3) days prior and seven (7) days after Mother's Day weekend (the annual decoration at Lone Oak Cemetery) provided weather conditions allow grass cutting the first two (2) days of that week.

(9) Prior to any internments or monument placements and maintenance, notification must be given to the cemeterian.

(10) All monuments must be placed on concrete bases provided by the city at a cost based on the square inch of surface area. The amount per square inch is to be determined by the city manager.

(11) No additional flag poles will be allowed as of April 27, 2016. Existing flags pole may only display the United States American Flag and/or the Tennessee State Flag, and/or MIA/POW Flags. (as added by Ord. #10-06, June 2010, amended by Ord. #10-07, June 2010, Ord. #10-12, June 2010, and Ord. #11-03, April 2011, replaced by Ord. #11-11, Jan. 2012, and Ord. #12-12, February 2013, and amended by Ord. #16-10, June 2016)

## CHAPTER 3

### **BURGLARY/ROBBERY ALARM REGULATIONS**

#### **SECTION**

- 20-301. Definitions.
- 20-302. Notification/registration required.
- 20-303. Alarm system requirements.
- 20-304. Inspection of alarm system.
- 20-305. False alarm fees.

**20-301. Definitions.** For the purposes of this chapter, the following terms shall be defined as follows:

(1) "Alarm system" means a device or system of interconnected devices, including hardware and related appurtenances, mechanical or electrical, designed to give warning of activities indicative of felony, fire or criminal conduct requiring urgent attention and to which the police and/or fire department are expected to respond.

(2) "Alarm user" means the person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility or portion thereof, wherein any alarm system is maintained.

(3) "Automatic dialing device" means an alarm system which automatically sends over telephone lines or direct connection or otherwise to the police department a pre-recorded message or coded signal indicating that an alarm system has been activated.

(4) "Communication center" means the police department's consolidated communication center that provides communication service to the Lewisburg Police Department.

(5) "False alarm" means any activation of an alarm system upon or following which communication is made to the department that an alarm has been triggered, except alarms resulting from one of the following causes:

- (a) Criminal activity or unauthorized entry.
- (b) Earthquake causing structural damage to the protected premises.
- (c) Tornado winds causing structural damage to the protected premises.
- (d) Flooding of the protected premises due to the overflow of natural drainage.
- (e) A lightning bolt causing physical damage to the protected premises.
- (f) Fire causing structural damage to the protected premises verified by the fire department.

(g) Telephone line malfunction verified in writing to the department by at least a first line telephone company supervisor within seven (7) days of the occurrence.

If police units, responding to an alarm and checking the protected premises according to standard department operating procedure, do not discover any evidence of unauthorized entry or criminal activity, there shall be a rebuttable presumption that the alarm is false. Entries in the police department daily officer's log shall be prima facie evidence of the facts stated therein with regard to alarms and responses. (as added by Ord. #12-02, June 2012)

**20-302. Notification/registration required.** Every alarm user shall, within ninety (90) days of the effective date of this chapter for existing alarm systems or prior to the use of new alarm systems installed after the effective date of this chapter, notify and register such alarm system with the police department on the forms provided and include the following information;

- (1) The name, address and telephone number of the alarm user.
- (2) The type, make and model of each alarm system installed.
- (3) Whether the property is residential or business.
- (4) Whether the alarm system is monitored by the monitoring company and if so, the name, address and telephone number of the monitoring company.
- (5) The names, addresses and telephone numbers for at least two (2) contact persons to be notified in the event of an alarm activation. Within ten (10) days following any change of circumstances which renders obsolete any of the information previously submitted, the alarm user shall file an amendment to his application, setting forth the currently accurate information. (as added by Ord. #12-02, June 2012)

**20-303. Alarm system requirements.** (1) No alarm system shall be installed, used or maintained in violation of any of the requirements of this code.

(2) The alarm user shall be responsible for training all employees, family members and other persons who make regular use of the protected premises and who may, in the normal course of their activities, be in a position to accidentally trigger a sensor.

(3) The alarm user shall, at all times, be responsible for the proper maintenance and repair of the system.

(4) The alarm user shall ensure that the correct address identification is affixed to the building and is readily visible from the street or roadway upon which the property is located.

(5) An audible alarm system shall be equipped with an automatic shutoff which will shut off the audible portion of the alarm after no longer than fifteen (15) minutes after activation. (as added by Ord. #12-02, June 2012)

**20-304. Inspection of alarm system.** Upon registration of an alarm system, and at any time thereafter, the police department may inspect any such

alarm for the purpose of ascertaining that information furnished by the alarm user is correct, and that the system is maintained in conformation with the provisions of this chapter. (as added by Ord. #12-02, June 2012)

**20-305. False alarm fees.** Whenever the police department is notified of an alarm system being activated in the city of the type requiring a response to the location by the police department, and the police department does respond, a police officer on the scene of the activated alarm system shall inspect the area protected by the system and shall determine whether there are indications of criminal activity, or one of the exceptions listed under "false alarms," which caused the activation of the alarm system, or if it appears to be a false alarm.

It is hereby found and determined by the city that all false alarms constitute a public nuisance. The following schedule of notice, warnings, penalties and costs shall be assessed to the owners and/or operators of emergency burglary and robbery alarm systems for false alarms transmitted to the police department within any year and the Lewisburg Police Department shall maintain records of all such false alarms.

When the Lewisburg Police Department responds to alarm system activation and the contact person, as listed on the registration information, does not respond to the alarm location within thirty (30) minutes of being notified, it will result in the imposition of a fine of fifty dollars (\$50.00) payable within thirty (30) days of said failure to respond regardless of the number of occurrences of false alarm calls. Failure of the contact person to answer the telephone call from the police, or return a message left by the police department within thirty (30) minutes of the first attempt to call or message being left, shall constitute a failure to respond resulting in the fine being imposed.

Otherwise, the following shall apply for false alarms from the same alarm system location within the same twelve (12) month calendar year period (January - December):

First false alarm:	No action.
Second false alarm:	Notice by letter informing the owner or operator of the alarm system of the provisions of this chapter.
Third false alarm:	Warning letter and notice to insure the alarm system is in proper working order. Once the third false emergency alarm has been received the police chief shall cause to be sent, by certified mail, a notice to the owner and/or operator that further false emergency alarms will result in the imposition of a penalty and/or costs of providing such service.

Fourth false alarm: A fine of fifty dollars (\$50.00) shall be imposed, which will be payable in thirty (30) days after notice.

Fifth and subsequent false alarms:

A reimbursement for each false alarm and the actual costs of such response by the police department as calculated and set annually, including the cost of equipment, fuel, personnel, administration, and other such factors as determined by the police chief will be payable by the owner/operator within thirty (30) days of notice.

Any failure of key holder or owner/operator to pay said fine or reimbursement will result in the city attorney issuing a warrant in city court for said failure to pay. (as added by Ord. #12-02, June 2012)

## CHAPTER 4

### **TREE CITY U.S.A. COMMUNITY**

#### **SECTION**

20-401. Tree City U.S.A. Community designated.

**20-401. Tree City U.S.A. Community designated.** The rules and policies are as follows:

(1) The tree city program shall be administered by the parks and recreation department. The parks and recreation department shall be supported in this program by other departments of the City of Lewisburg and other organizations.

(2) The parks and recreation department will provide overall enforcement of this chapter through the director of parks and recreation or such other person designated by the city manager.

(3) The parks and recreation department will coordinate donations of trees and shrubs or money to purchase, plant, and maintain trees and shrubs on public property.

(4) The planning and codes department will review site plans in accordance with the provisions of this chapter as part of the review process of the development committee. The department will also provide inspection of development sites to ensure compliance with grading and tree protection recommendations.

(5) The tree city board will provide on request the current attachment forms:

- (a) Maps of approved locations for trees and shrubs;
- (b) Recommended list of trees and shrubs;
- (c) Recommended list of dedication markers or plaques. (as added by Ord. #13-06, Oct. 2013)

## CHAPTER 5

### PUBLIC RECORDS ACCESS AND DUPLICATION

#### SECTION

20-501. Procedures regarding access to and inspection of public records.

**20-501. Procedures regarding access to and inspection of public records.** (1) Consistent with the Public Records Act of the State of Tennessee, personnel of the City of Lewisburg shall provide full access and assistance in a timely and efficient manner to Tennessee residents who request access to public documents.

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

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

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

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

or,

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

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

(a) Standard 8 1/2 x 11 or 8 1/2 x 14 black and white copy- \$.15 per page for each produced.

(b) Standard 8 1/2 x 11 or 8 1/2 x 14 color copy - \$.15 per page for each produced.

(c) Accident reports - \$.15 per page for each standard 8 1/2 x 11 or 8 1/2 x 14 black and white copy produced.

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

(6) Requests requiring less than one (1) hour of municipal employee labor for research, retrieval, redaction and duplication will not result in an assessment of labor charges to the requestor. Employee labor in excess of one (1) hour may be charged to the requestor, in addition to the costs per copy, as provided in subsection (5). The city may require payment in advance of producing any request. Requests for copies of records may not be broken down to multiple requests for the same information in order to qualify for the first free hour.

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

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

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

(8) Upon completion of a records request the requestor may pick up the copies of records at the office of the records custodian. Alternatively, the requestor may choose to have the copies of records delivered via United States Postal Service; provided that the requestor pays all related expenses in advance.



(9) The police chief shall maintain in his office records of undercover investigations containing personally identifying information. All other personnel records of the police department shall be maintained in the office of the records custodian. (This provision is for small police departments who do not have personnel trained in records management. Larger police departments should maintain personnel records in the department under the supervision of a trained records custodian). Requests for personnel records, other than for undercover investigators, shall be made to the records custodian, who shall promptly notify the police chief of such request. The police chief shall make the final determination as to the release the information requested. In the event that the police chief refuses to release the information, he shall provide a written explanation of his reasons for not releasing the information.

(10) If the public records requested are frail due to age or other conditions, and copying of the records will cause damage to the original records, the requesting party may be required to make an appointment for inspection. (as added by Ord. #14-07, Oct. 2014)

## CHAPTER 6

### CONSTRUCTION OF FENCES

#### SECTION

- 20-601. Location and placement of a fence.
- 20-602. Fences-obstruction from minimum sight distance.
- 20-603. Fence heights.
- 20-604. Fences-materials.
- 20-605. Unsafe and dilapidated fences.

**20-601. Location and placement of a fence.** Fences shall be erected entirely within the confines of the property boundary line of the property to which it is to serve and shall not extend or overhang onto an adjoining property without permission of the adjoining property owner or public property or right-of-way. It is the responsibility of that property owner to maintain the grass and weeds between the fence and the property boundary line. Fences may be placed across easements but may not block or impede the flow of drainage. Any fence placed across easements may be removed at the owner's expense. Fences shall be placed securely within the ground to minimize damage to structures within the fence enclosure and adjoining property(ies) that may result from high wind forces. Fences shall not be placed in the front of the house unless they are decorative brick or wrought iron. (as added by Ord. #23-04, March 2023, *Ch15\_06-28-23*)

**20-602. Fences-obstruction from minimum sight distance.** The erection of a fence shall not obstruct the minimum sight distance of two hundred feet (200') required to adequately egress the property to which the fence shall serve nor an adjoining property owner. The fence maximum height of four feet (4') within the ten feet (10') front setback. (as added by Ord. #23-04, March 2023, *Ch15\_06-28-23*)

**20-603. Fence heights.** Fences over seven feet (7') tall will require a building permit.

	Street Yard	All Other Yards
All Residential Districts	4'	6'

(as added by Ord. #23-04, March 2023, *Ch15\_06-28-23*)

**20-604. Fences-materials.** A finished side of all fences shall face off site. Razor wire, concertina wire, barbed wire, and similar fencing materials

shall be prohibited in, and directly adjacent to all residential districts and uses, including those separated by a public right-of-way. The use of chain link fences in yards fronting on public streets is prohibited. Decorative fencing such as brick and wrought iron is permitted in the front of the residence. The use of pallets or pallet materials are prohibited. (as added by Ord. #23-04, March 2023, ***Ch15\_06-28-23***)

**20-605. Unsafe and dilapidated fences.** (1) Any fence that has any of the following conditions, such that the life, health, property, or safety of the property owner and/or tenant or the general public are endangered:

(a) Stress in any material, member, or portion thereof, due to all imposed loads including dead load exceeds the stresses allowed in recognized construction practices and standards and specifications.

(b) The fence or a portion thereof has been damaged due to flood, wind, or other cause to the extent that the structural integrity of the fence is less than it was prior to the damage and is less than the minimum requirement established in recognized construction practices and standards and specifications for new fences.

(c) Any portion of the fence is not securely fastened, attached, or anchored such that it is capable of resisting wind or similar loads.

(d) The fence or portion thereof as a result of decay, insect infestation, deterioration or dilapidation is likely to fully or partially collapse.

(2) The code administrator shall inspect or cause to be inspected any fence which is or may be unsafe. After the code administrator has inspected or caused to be inspected a fence or portion thereof and has determined that such fence or portion thereof is unsafe, he shall initiate through proper notification and cause the abatement of the unsafe condition(s) in the fence by repair, replacement, demolition, or combination thereof.

(3) It shall be the responsibility of the property owner and/or tenant to make all necessary repairs to correct those deficiencies identified by the code administrator in making the determination that the fence is unsafe within a reasonable time period specified by the code administrator. (as added by Ord. #23-04, March 2023, ***Ch15\_06-28-23***)

## CHAPTER 7

### **RESIDENTIAL LANDLORD REGISTRATION**

#### **SECTION**

20-701. Residential landlord registration.

**20-701. Residential landlord registration.** All residential landlords shall register with the City of Lewisburg so that the city may notify them of codes violations with the city by December 31 of each year. Registration involves completing the appropriate form and submitting it with a ten dollar (\$10.00) annual fee. This is a fee per landlord regardless of the number of properties. Violations of this section shall be punishable by a two hundred fifty dollar (\$250.00) fine. (as added by Ord. #23-14, April 2023 ***Ch15\_06-28-23***)

ORDINANCE NO. 99-10**AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF LEWISBURG TENNESSEE.**

WHEREAS some of the ordinances of the City of Lewisburg are obsolete, and

WHEREAS some of the other ordinances of the city are inconsistent with each other or are otherwise inadequate, and

WHEREAS the Council of the City of Lewisburg, 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 "Lewisburg Municipal Code," now, therefore:

BE IT ORDAINED BY THE CITY OF LEWISBURG, 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 "Lewisburg Municipal Code," hereinafter referred to as the "municipal code."

**Section 2. Ordinances repealed.** All ordinances of a general, continuing, and permanent application or of a penal nature not contained in the municipal code are hereby repealed from and after the effective date of said code, except as hereinafter provided in Section 3 below.

**Section 3. Ordinances saved from repeal.** The repeal provided for in Section 2 of this ordinance shall not affect: Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the municipal code; any ordinance or resolution promising or requiring the payment of money by or to the city or authorizing the issuance of any bonds or other evidence of said city's indebtedness; any appropriation ordinance or ordinance providing for the levy of taxes or any budget ordinance; any contract or obligation assumed by or in favor of said city; any ordinance establishing a social security system or providing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the portion of any ordinance not in conflict with such code which regulates speed,

direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the city; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the city.

**Section 4. Continuation of existing provisions.** Insofar as the provisions of the municipal code are the same as those of ordinances existing and in force on its effective date, said provisions shall be considered to be continuations thereof and not as new enactments.

**Section 5. Penalty clause.** Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than five hundred dollars (\$500.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."<sup>1</sup>

When a civil penalty is imposed on any person for violating any provision of the municipal code and such person defaults on payment of such penalty, he may be required to perform hard labor, within or without the workhouse, to the extent that his physical condition shall permit, until such

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<sup>1</sup>State law reference

For authority to allow deferred payment of fines, or payment by installments, see Tennessee Code Annotated, § 40-24-101 et seq.

civil penalty is discharged by payment, or until such person, being credited with such sum as may be prescribed for each day's hard labor, has fully discharged said penalty.

Each day any violation of the municipal code continues shall constitute a separate civil offense.

**Section 6. Severability clause.** Each section, subsection, paragraph, sentence, and clause of the municipal code, including the codes and ordinances adopted by reference, is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the municipal code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

**Section 7. Reproduction and amendment of code.** The municipal code shall be reproduced in loose-leaf form. The board of mayor and aldermen, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the municipal code and revisions thereto. After adoption of the municipal code, each ordinance affecting the code shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of said code. Periodically thereafter all affected pages of the municipal code shall be revised to reflect such amended, added, or deleted material and shall be distributed to city officers and employees having copies of said code and to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the numbers of ordinances making the amendments or adding the new provisions, and such references shall be cumulative if a section is amended more than once in order that the current copy of the municipal code will contain references to all ordinances responsible for current provisions. One copy of the municipal code as originally adopted and one copy of each amending ordinance thereafter adopted shall be furnished to the Municipal Technical Advisory Service immediately upon final passage and adoption.

**Section 8. Construction of conflicting provisions.** Where any provision of the municipal code is in conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

**Section 9. Code available for public use.** A copy of the municipal code shall be kept available in the recorder's office for public use and inspection at all reasonable times.

Passed first reading this 14 day of Sept, 1999

Nate E. Phillips  
MAYOR

Connie W. Eddes  
CITY RECORDER

Passed second reading this 12 day of October, 1999

Nate E. Phillips  
MAYOR

Connie W. Eddes  
CITY RECORDER

Passed third and final reading this 9<sup>th</sup> day of November, 1999

Nate E. Phillips  
MAYOR

Connie W. Eddes  
CITY RECORDER