THE

MANCHESTER

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 1998

Change 23
August 6, 2024

CITY OF MANCHESTER, TENNESSEE

MAYOR

Joey Hobbs

VICE MAYOR

Mark Messick

ALDERMEN

Julie Anderson
Ryan P. French
(Vacant)
Donny Parsley
James Threet

FINANCE DIRECTOR

Anthony Burrows

CITY ATTORNEY

Craig Johnson

PREFACE

The Manchester Municipal Code contains the codification and revision of the ordinances of the City of Manchester, 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 finance director 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 Sandy Selvage, Administrative Services Assistant, Linda Dean, the MTAS Sr. Word Processing Specialist, and Bobbie J. Sams, Word Processing Specialist who did all the typing on this project, and Tracy Gardner, Administrative Services Assistant, is gratefully acknowledged.

Steve Lobertini
Codification Specialist

ORDINANCE ADOPTION PROCEDURES PRESCRIBED BY THE CITY CHARTER

Section 6. ...Except as otherwise provided, ordinances shall be passed in the following manner. Every proposed ordinance shall be in writing with copies for the Mayor and each Alderman, and complete in the form in which it is finally passed, provided however, that amendments which do not materially change the ordinance may be made at any time before final passage, and amendments which materially change the ordinance as introduced shall not be made except by vote of five of the Aldermen. After adoption of a Code of Ordinances, each of a general and permanent nature shall be adopted as amending and or adding a numbered section of the Code. Each ordinance shall be passed on three (3) separate days at a regular, adjourned or special meetings. In the first two meetings, a brief summary shall be given of the proposed ordinance, and the meeting shall be open for questions and discussion of it. It shall be read in its entirety at the third meeting before passage. The record of how each Alderman voted, and the Mayor if voting, shall be spread on the minutes. A summary of the material provisions of the ordinance shall be published in a newspaper circulating in the City and a notice that the ordinance is on file in the Finance Director's office for anyone wishing to see it. the effective date of the ordinance may be at any time within ninety days of final passage, but in no case shall it be effective until such summary and notice are published. After passage, each ordinance shall be authenticated by the Mayor and Finance Director or in their absence, two of the Aldermen, and placed in a binder. It shall not be necessary to copy the ordinance in the minutes, but reference to it shall be made in the minutes. ...

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GENERAL ADMINISTRATION[1]

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CHAPTER 1

BOARD OF MAYOR AND ALDERMEN[2]

SECTION

1-101. Time and place of regular meetings.
1-102. Order of business.
1-103. General rules of order.
1-104. Safety committee.
1-105. Street committee.
1-106. Finance committee.
1-107. [Repealed.]
1-108. Compensation of mayor and aldermen.
1-109. Insurance committee.
1-110. Deleted.
1-111. Citizen's comments.

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[1]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.

[2]Charter reference: § 5.

1-101. Time and place of regular meetings. The board of mayor and aldermen shall hold regular monthly meetings at 6:30 P.M. on the first Tuesday of each month at the city hall. (1972 Code, § 1-101, as amended by Ord. #1628, Sept. 2021 ***Ch21_07-05-22***)

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

(1) Call to order by the mayor.
(2) Roll call by the finance director.
(3) Reading of minutes of the previous meeting by the finance director and approval or correction.
(4) Grievances from citizens.
(5) Communications from the mayor.
(6) Reports from committees, aldermen, and other officers.
(7) Old business.
(8) New business.
(9) Adjournment. (1972 Code, § 1-102, as amended by Ord. #808, Jan. 1998)

1-103. General rules of order. The rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, shall govern the transaction of business by and before the board of mayor and aldermen at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of the charter or this code. (1972 Code, § 1-103, modified)

1-104. Safety committee. There is hereby created a committee to be known as the "safety committee" consisting of three (3) aldermen. The mayor shall be an ex officio member. The committee's duties shall be to have general supervision of the police department, fire department, codes and health department and other safety agencies of the City of Manchester pursuant to the policies set forth by the board of mayor and aldermen.

The three (3) members of the safety committee shall be elected by the board of mayor and aldermen who shall further designate one (1) of the members so elected as chairman of the committee. The election shall be made at the first regular meeting in September of each year by the board of mayor and aldermen.

The safety committee shall be charged with preparing, studying, and recommending to the board of mayor and aldermen all necessary traffic and parking rules and regulations. The committee shall from time to time recommend such changes as are necessary in the interest of safety and the protection of lives and property. The committee shall report to the board of mayor and aldermen from time to time on the condition of the police department, fire department, codes and health department and other safety agencies of the city.

Nothing contained herein shall be construed to be in derogation of the executive duties and powers of the mayor as granted under the charter of the city. (1972 Code, § 1-104, as amended by Ord. #889, July 2000, Ord. #986, May 2002, and Ord. #1003, Aug. 2002)

1-105. Street committee. There is hereby created a street committee to be composed of three (3) aldermen with the mayor as an ex officio member. The members of the street committee shall be appointed at the same time, appointed and organized in the same manner, and for the same term as provided in § 1-104 for members of the safety committee. The street committee shall handle all matters relating to streets, drainage, refuse and street lights in the same manner as the safety committee handles matters relating to safety agencies of the city. (1972 Code, § 1-105, as amended by Ord. #1362, March 2013)

1-106. Finance committee. There is hereby created a finance committee to be composed of three (3) aldermen with the mayor as an ex officio member. The members of the finance committee shall be appointed at the same time, appointed and organized in the same manner, and for the same term as provided in § 1-104 for members of the safety committee. The finance committee shall handle all matters relating to finance and information systems in the same manner as the safety committee handles matters relating to safety agencies of the city. (1972 Code, § 1-106, as amended by Ord. #1391, Sept. 2013)

1-107. [Repealed.] (1972 Code, § 1-107, as repealed by Ord. #1362, March 2013)

1-108. Compensation of mayor and aldermen. The mayor shall be compensated ninety-six hundred dollars ($9,600.00) per year, payable in equal monthly installments, and the aldermen shall be compensated three thousand dollars ($3,000.00) per year, payable in equal monthly installments. (1972 Code, § 1-108)

1-109. Insurance committee. There is hereby created an insurance committee to be composed of the mayor, the personnel officer, the chairman of the finance committee and the finance director as ex officio members. The members of the insurance committee shall serve concurrently with their terms of office or employment. The insurance committee shall be the final determiner of all appeals involving employee insurance benefits and any other matters pertaining to the Insurance Plan for the City of Manchester.

Beginning with fiscal year 2021, the insurance committee will establish specifications for all insurance coverage for which bids are sought. The insurance committee shall hire a consultant knowledgeable in insurance matters pertaining to municipalities to help prepare the bid package and, in the discretion of the committee, evaluate the bids submitted. Any consultant or

organization affiliated with the consultant employed by or advising the committee shall be ineligible to bid on coverage about which such consultant advised the city. (as added by Ord. #955, Oct. 2001, and amended by Ord. #984, May 2002, Ord. #1047, Nov. 2003, and Ord. #1597, July 2020 ***Ch21_07-05-22***)

1-110. **Deleted**. (as added by Ord. #1352, Dec. 2012, replaced by Ord. #1604, Oct. 2020 ***Ch21_07-05-22***, and deleted by Ord. #1699, Sept. 2023 ***Ch23_08-06-24***)

1-111. **Citizen's comments**. During every board, committee, and commission meeting within city government there shall be one (1) time set aside on the agenda for citizens to comment on relevant agenda items for that particular meeting. (as added by Ord. #1697, Sept. 2023 ***Ch23_08-06-24***)

CHAPTER 2

MAYOR[1]

SECTION

1-201. General duties.
1-202. Executes city's contracts.
1-203. Authorized to enter "mutual aid interlocal cooperation agreements."

1-201. General duties. The mayor shall have general supervision of all affairs of the city and may require such reports from the various officers and employees of the city as he may reasonably deem necessary to carry out his executive duties. (1972 Code, § 1-201, as replaced by Ord. #890, July 2000, and Ord. #980, April 2002)

1-202. Executes city's contracts. The mayor shall execute all contracts as authorized by the board of mayor and aldermen. (1972 Code, § 1-202)

1-203. Authorized to enter "mutual aid interlocal cooperation agreements." The mayor of the City of Manchester, Tennessee, is authorized and empowered to enter into "mutual aid interlocal cooperation agreements" on behalf of the City of Manchester, Tennessee. (1972 Code, § 1-203)

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[1]Charter reference: § 5.

CHAPTER 3

CITY ADMINISTRATOR

SECTION

1-301. Position created.
1-302. Qualifications and selection.
1-303. Tenure and compensation.
1-304. Duties.

1-301. Position created. There is hereby created the office and official position of city administrator. (1972 Code, § 1-301)

1-302. Qualifications and selection. The city administrator shall be a graduate of an accredited college or university with a master's degree in public administration, political science, business administration or a closely related field, and shall have a minimum of five (5) years experience as a city administrator or manager of a public agency or department with related duties, or have an equivalent combination of education and experience. (1972 Code, § 1-302, as replaced by Ord. #887, June 2000)

1-303. Tenure and compensation. The city administrator shall be an officer of the city and serve at the will of the board of mayor and aldermen as provided by charter. The board of mayor and aldermen shall determine appropriate employee benefits and compensation of the city administrator. Nothing in this section shall prohibit the board of mayor and aldermen from entering into an employment agreement or contract for the position of city administrator. (1972 Code, § 1-303, as amended by Ord. #752, Dec. 1995)

1-304. Duties. The city administrator shall be responsible for the following duties:

(1) Assisting the mayor and city recorder in the preparation and administration of the city budget and development of a five (5) year capital budget plan.

(2) Assisting the mayor, as directed, in overall operation of the city and monitors the performance of all departments with relative to budgets and schedules, recommending corrective action where necessary.

(3) Keeping the board of mayor and alderman informed as to departmental deficiencies specially as they related to financial conditions, budgets, schedules, cost overruns, etc.

(4) Reporting to the board of mayor and aldermen corrective action taken or proposed to bring departments or special projects and outside contracts back under budget, performance to schedule cost containment.

(5) Preparing reports, agendas and other information for submission by the mayor to the governing body and various groups as requested by the mayor.

(6) Preparing administrative directives and bulletins and conducts on own initiative or upon request of the mayor analyses of administrative programs and projects confronting city government operations.

(7) Making recommendations to the board for improving the quality and quantity of public services to be rendered by the officers and employees to the citizens of the city.

(8) Coordinating and supervising all day to day administrative activities and operations for each department of the city under the policies of the board.

(9) Serving, consulting, cooperating, and coordinating with committees and work groups, as directed by the board of mayor and aldermen, in the administration of the affairs of the city.

(10) Recommend specific personnel positions, as may be required for needs and operations of the municipality, and proposing personnel policies and procedures for approval of the board.

(11) Administering the personnel policies, rules and regulations as adopted by the board of mayor and aldermen.

(12) Administering and coordinating all federal and/or state grants applied for and received by the city; staying abreast of grant programs and opportunities for future funds.

(13) Acting as purchasing agent for the city in accordance with purchasing policies and procedures as adopted by the board of mayor and aldermen.

(14) Performing such other duties as may from time to time be designated or required by the board of mayor and aldermen.

(15) Evaluate department heads annually each January.

(16) Keeping the board of mayor and aldermen fully advised as to the conditions and needs of the city.

(17) Reporting to the board of mayor and aldermen the condition of all city equipment, buildings and facilities and real estate; making recommendations regarding repairs, replacement and improvements needed.

(18) Making recommendations to the board of mayor and aldermen on policies and procedures for an efficient business-like operation of city government.

(19) Recommending to the board of mayor and aldermen the priority of programs or projects involving public works, public improvements or public safety that should be undertaken by the city.

(20) Working cooperatively with other areas of government including: neighboring cities, counties, state and federal levels, as well as local community groups.

(21) Communicating regularly with the governing body, staff and public.

(22) Monitoring and making recommendations when appropriate to the board of mayor and aldermen on new legislative initiatives at the local, state and federal levels.

(23) Working closely with the mayor, chamber of commerce, business, industry, the industrial development board and others to enhance industrial, economic and community development.

(24) Seeing that all laws and ordinances are enforced, and upon knowledge or information of any violation, seeing that prosecutions are initiated in city court.

(25) Making recommendations to the board of mayor and aldermen for department head appointments, promotions, demotions, suspension, transfers or disciplinary procedures.

(26) Making recommendations to the appropriate committees or commissions regarding promoting, demoting, suspending, transferring or disciplining employees who are not department heads.

(27) Attending all meetings of the board of mayor and aldermen, with the right to take part in discussion, but not vote.

(28) Keeping the board of mayor and aldermen advised of the city's financial condition.

(29) Performing other duties as directed by the board of mayor and aldermen. (1972 Code, § 1-304, as amended by Ord. #752, Dec. 1995; and Ord. #858, Oct. 1999; replaced by Ord. #887, June 2000, and Ord. #990, June 2002, and amended by Ord. #1053, March 2004)

CHAPTER 4

FINANCE DIRECTOR[1]

SECTION

1-401. Position created.
1-402. Qualifications and selection.
1-403. Tenure and compensation.
1-404. Duties.

1-401. Position created. There is hereby created the office and official position of finance director. (Ord. #776, Dec. 1996)

1-402. Qualifications and selection. The finance director shall possess or meet all qualifications required by state law. The board of mayor and aldermen may, by resolution, adopt additional qualifications as it deems advisable. The finance director shall be selected by a majority vote of the entire membership of the board of mayor and aldermen. (Ord. #776, Dec. 1996, as replaced by Ord. #1359, Feb. 2013)

1-403. Tenure and compensation. The finance director shall be an officer of the city and serve at the will of the board of mayor and aldermen as provided by charter. The board of mayor and aldermen shall determine appropriate employee benefits and compensation of the finance director. (Ord. #776, Dec. 1996)

1-404. Duties. The finance director shall be responsible for the following duties:

(1) Assisting the city administrator in the preparation and administration of the city budget and development of a five (5) year capital budget plan.

(2) Assisting the city administrator, as directed, in overall operation of all departments budget activities and schedules, recommending corrective action as necessary.

(3) Keeping the city administrator informed as to departmental deficiencies as they relate to departmental financial conditions, budgets, schedules, cost overruns, etc.

(4) Preparing reports, agendas and other information for submission to the city administrator.

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[1]Charter reference: § 11.

(5) Preparing budget directives and bulletins and conducting on his own initiative or upon the request of the city administrator analyses of financial programs and their impact on the financial condition of the city.

(6) Coordinating and supervising all day to day financial activities and operations for each department of the city under the policies of the municipality.

(7) Plan, develop, implement and manage the municipal accounting and record keeping system and procedures to ensure the accurate and effective accounting of funds, including responsibility for purchasing, budgeting, cash disbursements, payroll, petty cash, bonds and interest, federal and state aid, drug funds, capital projects, escrow accounts, checks, bank transfers and other.

(8) Manage cash control systems to ensure that all available city revenue is collected and protected.

(9) Manage cash flow to ensure that the city can meet normal financial operational obligations.

(10) Analyze the financial abilities of the city and prevailing market conditions and advise the board of mayor and aldermen on appropriate methods to finance capital improvements by issuing bonds, borrowing money and/or using other financial reserves.

(11) Overseeing all accounting and auditing methods, procedures and financial transactions to ensure the compliance with appropriate procedures.

(12) Evaluating available insurance and risk management coverages to recommend and obtain suitable routine and catastrophic protection for the city. (Ord. #776, Dec. 1996)

CHAPTER 5

LENGTH OF SERVICE ON CITY COMMISSIONS, ETC.[1]

SECTION

1-501. Service on more than one commission, committee or board.
1-502. Citizen application forms.

1-501. Service on more than one commission, committee or board. No person other than a member of the Manchester board of mayor and aldermen shall serve concurrently on more than one commission, committee, or board, with the exception that any person now serving on more than one commission, committee, or board may continue service until present terms expire. (1972 Code, § 1-2104, as renumbered by Ord. #963, Dec. 2001)

1-502. Citizen application forms. Citizens requesting appointment to city commissions, committees, or boards shall fill out an application form, approved by the board of mayor and aldermen and available from the finance director. The completed form shall be kept on file with the finance director and shall be reviewed by the board of mayor and aldermen before filling vacancies on any commission, committee or board. All applicants shall be given a fair and equal consideration for appointment. Completed form shall be kept on file for 2 years from date on application. At the time any vacancy occurs on any city commission, committee or board, copies of all applications currently on file for a position on the commission, committee or board where the vacancy has occurred shall be provided to each member of the board of mayor and aldermen. (1972 Code, § 1-2105, as amended by Ord. #808, Jan. 1998, renumbered by Ord. #963, Dec. 2001, and amended by Ord. #1340, Oct. 2012)

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[1]Ord. #963, Dec. 2001 repealed §§ 1-501--1-503 which regulated the length of service on city commissioners, committees, and boards; and renumbered the remaining sections of the chapter.

CHAPTER 6

INSPECTION OF PUBLIC RECORDS

SECTION

1-601. Procedure for accessing and copying public records.
1-602. Schedule of reasonable charges.
1-603. Labor charges.
1-604. Charges for aggregated requests.

1-601. Procedure for accessing and copying public records. In order to protect the integrity and organization of public records with respect to the manner in which those records are inspected or copied, the following procedures must be followed:

(1) All inspections shall be under the supervision of employees of the City of Manchester and copying of records shall be performed by employees of the City of Manchester.

(2) Requests for inspection or copying of records shall be made in writing on a form provided by the City of Manchester.

(3) The request for inspection or copying shall be completed by the person requesting the record, and the city may require or demand reasonable identification of the person making that request.

(4) Hours for making requests for inspection or copying records shall be the regular office hours for city hall.

(5) The cost of copying records shall be as follows:

(a) Accident, policy or fire reports. $5.00
(b) Copy of all business licenses 15.00
(c) All other documents, per page. 25

(6) Removal of original records from city hall is prohibited. (Ord. #798, Oct. 1997)

1-602. Schedule of reasonable charges. (1) For each 8 1/2" x 11" or 8 1/2" x 14" black and white copy - $0.15 per page; for each 8 1/2" x 11" or 8 1/2" x 14" color copy - $0.50 per page. If front and back copies are produced, charges for two (2) separate pages are imposed.

(2) A requestor may request that a color record be copied in black and white. In that event, the black and white charges apply.

(3) For copies produced in other media, the city shall charge its actual cost in preparing the copies.

(4) For documents produced on flash drives or other storage devices, the actual out-of-pocket cost of the storage device shall be charged. These devices must be provided by the city. The requester is not permitted to attach any electronic device to city equipment.

(5) In the event a record must be printed to be redacted, the per page charges set forth above apply regardless of the format in which the records are ultimately delivered.

(6) If a requestor chooses not to personally retrieve records and the actual cost of delivering the copies, in addition to any other permitted charges, have been paid by the requestor or otherwise waived pursuant to the public records policy, then the city is obligated to deliver the copies via USPS First-Class Mail. It is within the discretion of the city to agree to deliver copies of records through other means, including electronically and to assess the costs related to such delivery.

(7) If it is not practicable or feasible for the city to produce copies internally, the city may use an outside vendor and charge the costs to the requestor.

(8) If the city is assessed a charge to retrieve requested records from archives or any other entity having possession of requested records, the city may recover from the requestor the costs assessed for retrieval. (as added by Ord. #1535, June 2017)

1-603. Labor charges. The city will attempt to use the employee paid at the lowest practicable hourly wage to fulfill public records requests for copies consistent with fulfilling its duties to produce documents subject to disclosure; redact appropriate information and keep confidential that information made confidential by statute.

(1) "Labor" is the time (in hours) reasonably necessary to produce requested records, including the time spent locating, retrieving, reviewing, redacting and reproducing records.

(2) "Labor threshold" is the first (1st) hour of labor reasonably necessary to produce requested material(s).

(3) Charges are made for all labor exceeding the threshold. For the purpose of calculation of labor, the city may aggregate multiple or frequent requests made by a single requestor or multiple requestors if the city determines they are acting in concert with each other or as the agents of another person, entity or organization.

(4) Aggregation shall be applied to four (4) or more requests in each calendar month. This is the "aggregation threshold."

(5) Aggregation shall be applied to all requests made to the city, which encompasses all of its departments, committees, boards and commissions. (as added by Ord. #1535, June 2017)

1-604. Charges for aggregated requests. (1) Once a requestor reaches the aggregation threshold, the records custodian is no longer required to deduct the labor threshold set forth in the schedule of reasonable charges or any other minimum charge per request threshold that would ordinarily be waived.

(2) When the aggregation threshold is met, a records custodian choosing to aggregate requests must inform the requestor(s) of the determination to aggregate and of the right of the requestor(s) to appeal the records custodian's decision to aggregate to the OORC.

(3) Requests for current records that are routinely released and readily accessible, such as agendas or meeting minutes, are exempt from this policy.

(4) Disputes regarding aggregation shall be brought to the OORC.

(5) The city's records custodian may in his or her discretion waive charges for de minimis requests, those involving little time and/or fewer than ten (10) pages.

(6) No records shall be delivered until all charges (copies, labor, media and mailing) are paid in full.

(7) This schedule shall not apply to charges for records and documents for which a different charge is specified by Tennessee Code, the provisions of which shall control. (as added by Ord. #1535, June 2017)

CHAPTER 7

TOBACCO PROHIBITED

SECTION
1-701. Tobacco prohibited.

1-701. Tobacco prohibited. Tobacco use of any kind is prohibited on all City of Manchester property, except in designated smoking areas; however, smokeless tobacco use by employees may be permitted by the respective department heads as long as it is confined to areas such that it does not interfere with the department's purpose.

No tobacco use of any kind is permitted in any city vehicle or enclosed equipment. (as added by Ord. #970, Feb. 2002, and replaced by Ord. #1409, Feb. 2014)

CHAPTER 8

CODE OF ETHICS

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.
1-806. Use of information.
1-807. Use of municipal time, facilities, etc.
1-808. Use of position or authority.
1-809. Ethics complaints.
1-810. Violations.

1-801. Applicability. This chapter is the code of ethics for personnel of the City of Manchester. 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 of Manchester. (as added by Ord. #1170, June 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 immediate family, as defined by § 4-201(18).

(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. #1170, June 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 from voting on the measure. (as added by Ord. #1170, June 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 finance director. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (as added by Ord. #1170, June 2007)

1-805. Acceptance of gratuities. An officer or employee of the city may not directly accept any money, gift, gratuity, or other consideration or a favor of any kind with a monetary value in excess of one thousand dollars ($1.000.00) for the performance of an act, or refraining from the performance of an act in the regular course of his duties which might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business, subject to these exceptions:

(1) Items donated directly to the city or a department of city government that might result in an indirect benefit to an officer or employee (such as Christmas cookies or gifts to give as door prizes) are exempt from this section.

(2) Gifts or gratuities or any other favors with a monetary value of less than twenty-five dollars ($25.00) are exempt from this section.

(3) Gifts or gratuities or any other favors with a monetary value in excess of twenty-five dollars ($25.00) but less than one thousand dollars ($1,000.00) are permitted, but the officer or employee accepting the gift, gratuity or favor must report it in writing to his department head and to the city attorney within twenty-four (24) hours after it is received. (as added by Ord. #1170, June 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. #1170, June 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. (as added by Ord. #1170, June 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. (as added by Ord. #1170, June 2007)

1-809. Ethics complaints. (1) The city attorney is designated as the ethics officer of the city. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

(2) (a) Except as otherwise provided in this subsection, the city attorney shall investigate any credible complaint against an appointed official or employee charging 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 city attorney may request the board of mayor and aldermen 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 board of mayor and aldermen, it 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 board determines that a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the board of mayor and aldermen.

(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 the violation shall be dealt with as a

violation of the personnel provisions rather than as a violation of this code of ethics. (as added by Ord. #1170, June 2007)

1-810. 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 board of mayor and aldermen. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action. (as added by Ord. #1170, June 2007)

CHAPTER 9

[**DELETED**]

(as added by Ord. #1286, Nov. 2010, and deleted by Ord. #1337, Sept. 2012)

TITLE 2

BOARDS AND COMMISSIONS, ETC.

CHAPTER
1. RECREATION COMMISSION.
2. REPEALED.
3. TOURIST AND COMMUNITY DEVELOPMENT COMMISSION.
4. HISTORIC ZONING COMMISSION.
5. WATER AND SEWER COMMISSION.

CHAPTER 1

RECREATION COMMISSION

SECTION
2-101. Creation and function.
2-102. Membership and compensation.
2-103. Meetings, quorum, votes required for action, organization, and minutes.
2-104. Removal of members; duties of city attorney.
2-105. General powers.
2-106. Finances, reports, and insurance.
2-107. Capital improvement projects.

2-101. Creation and function. A supervisory commission to be designated "Recreation Commission of the City of Manchester" is hereby created. This commission shall have general supervision, management and control of all public playgrounds, athletic fields, recreation centers, and other recreation facilities and activities on any of the properties owned or controlled by the city and on other properties with the consent of the owners and authorities thereof. It shall have the power to conduct any form of recreation or cultural activity that will employ the leisure time of the people in a constructive and wholesome manner. (1972 Code, § 1-1001)

2-102. Membership and compensation. The recreation commission shall be composed of seven (7) members. One (1) of the members shall be a member of the board of mayor and aldermen of the City of Manchester, and shall be selected by the board of mayor and aldermen, and shall serve a one (1) year term beginning and ending on the first Tuesday in September of each year. The other five (5) members of the recreation commission shall be appointed by the board of mayor and aldermen and their term of office shall be for five (5) years or until their successors are appointed and qualified, with one member being appointed annually for each of the five (5) years.
No person shall be eligible for membership on the recreation commission unless he/she is

twenty-one (21) years of age and has resided in the State of Tennessee for one (1) year and the City of Manchester for six (6) months next preceding the day of their appointment or, in lieu of residency in the city, an owner of property located within the city limits of Manchester, Tennessee. The seat of any recreation commission member shall immediately become vacant upon such member ceasing to reside and/or own property within the City of Manchester, Tennessee.

The members of the recreation commission shall serve without compensation. (1972 Code, § 1-1002, as amended by Ord. #1284, Oct. 2010, and Ord. #1543, Dec. 2017)

2-103. Meetings, quorum, votes required for action, organization, and minutes. Meetings of the recreation commission shall be held at least once a month and at such other times as the members of the commission may determine.

No meeting of the commission shall be held unless a majority of the members are present. All acts of the commission shall be by a majority vote of those present.

At the first regular meeting of the commission following the members' appointment, they shall meet and organize by electing one of their members chairman, another member, as secretary, and such other officers as may be necessary.

The secretary of the commission shall keep minutes of all its meetings. At each regular meeting the minutes of the last regular meeting of the commission and subsequent special meetings shall be read unless dispensed with by unanimous vote. The minutes of the commission, its by-laws, rules and regulations shall be kept in the minute book which shall remain in the custody of the secretary, or at such other place as the commission may direct. It shall at all times be subject to inspection by any commission member or any member of the board of mayor and aldermen. (1972 Code, § 1-1003)

2-104. Removal of members; duties of city attorney. Any recreation commission member may be removed from office by the board of mayor and aldermen for permanent disability or malfeasance, misfeasance or nonfeasance, or for conduct that materially impairs his usefulness as a commission member.

The city attorney shall represent and act for the commission in all legal matters and shall attend commission meetings if required. (1972 Code, § 1-1004)

2-105. General powers. The recreation facilities shall be operated for the benefit of the city and its residents subject to the obligations and contracts heretofore or hereafter made by the City of Manchester with the firms or persons to whom obligations have or shall be incurred.

Subject to such contracts and the city charter and ordinances, the commission determines the method for operating all recreation facilities and activities and the business pertaining thereto, may change it from time to time, and may impose such duties upon, and delegate such authority to the commission employees and to the city attorney as it may deem advisable. (1972 Code, § 1-1005)

2-106. Finances, reports, and insurance. Annually the recreation commission shall submit a detailed and comprehensive budget to the board of mayor and aldermen for their approval. This budget shall become a part of and be included in the budget of the city. The recreation commission budget shall be submitted not later than the first day of June of each year.

The commission may also solicit or receive gifts or bequests of money or other personal property or any donation to be applied, principal or income, for either temporary or permanent use for playgrounds or other recreational purposes.

Each calendar quarter the commission shall file with the board of mayor and aldermen a financial report of income, expenditures and operations of the commission.

The commission shall file with the board of mayor and aldermen an annual report of the complete fiscal affairs of the commission and shall also file a report of the operations of the recreation commission and its activities for the preceding year.

In behalf of the city, the commission shall purchase such insurance, in connection with the properties, assets, and operation of recreational activities, as the commission shall deem adequate to protect and indemnity the city against loss, damage and liability.

The commission shall purchase no insurance without first conferring with the board of mayor and aldermen in an effort to have the placing of such insurance accord with such plans or policy as the board of mayor and aldermen may adopt for the placing of all insurance in the city's behalf.

The commission shall make no expenditures nor incur any indebtedness unless the same has been previously submitted in the commission's annual budget and approved by the board of mayor and aldermen. No employee of the commission and no one engaged by the commission shall have authority to make any purchase or to contract indebtedness unless specifically authorized so to do by the commission.

All expenditures of funds for maintenance and operations by the recreation commission shall be made by warrants signed by the chairman of the commission and directed to the finance director.

All income of the commission shall be deposited in a bank designated by the board of mayor and aldermen. The deposits shall be to the credit of the city in a special account as follows: "Recreation Commission of the City of Manchester, Tennessee." (1972 Code, § 1-1006, as amended by Ord. #808, Jan. 1998)

2-107. Capital improvements projects. Improvements made to recreational facilities, and funded by means other than the City of Manchester cannot later be classified as a capital improvement project for the purpose of reimbursing the person or group that initially funded the project when it was built. (1972 Code, § 1-1007)

CHAPTER 2

REPEALED

(as repealed by Ord. #1544, Dec. 2018 ***Ch20_5-7-19***)

CHAPTER 3

TOURIST AND COMMUNITY DEVELOPMENT COMMISSION

SECTION

2-301. Creation and function.
2-302. Membership and compensation.
2-303. Meetings and organization.
2-304. Voting quorum number needed to transact business.
2-305. Minutes.
2-306. Bylaws, rules and regulations.
2-307. Removal of commissioners, commission's office and duties of city attorney.
2-308. General powers.
2-309. Fiscal responsibilities.

2-301. Creation and function. A commission to be designated the "tourist and community development commission" is hereby created. The commission shall be charged with the responsibility to promote the growth of Manchester, Tennessee in tourism and community development through the generation and use of the various avenues of advertising and other promotional media. (1972 Code, § 1-1601)

2-302. Membership and compensation. The tourist and community development commission shall be composed of six (6) members.

No person shall be eligible for membership on the tourist and community development commission unless he is twenty-one (21) years of age and has resided in the State of Tennessee for one (1) year and in the City of Manchester for six (6) months next preceding his membership, or in lieu of residency, is a resident of Coffee County, Tennessee and a property owner within the city limits of Manchester, Tennessee.

One (1) member of the tourist and community development commission shall be a current member of the board of mayor and aldermen, appointed by the board annually in September. The other five (5) members of the tourist and community development commission shall be appointed by the board of mayor and aldermen for terms of five (5) years or until their successors are appointed or qualified. Two (2) of those members shall be members of the Manchester Area Chamber of Commerce to which the requirement of residency shall not apply; and the remaining three (3) members shall meet the eligibility requirements set forth in paragraph two, who are neither members of the board of mayor and aldermen nor members of the Executive Committee of the Manchester Area Chamber of Commerce. The membership and terms of the first five (5) year commission shall be determined immediately after the passage of this section.

The members of the tourist and community development commission shall serve without compensation; except however, any member shall be entitled to reimbursement of actual expenses incurred in the transaction of any business or promotional service performed for the tourist and community development commission provided the commission validates the claim

for reimbursement in the manner hereinafter set out for the payment of bills.

Membership terms shall begin and end on the first Tuesday of September, unless terminated sooner by the death or resignation of a member from either the board of mayor and aldermen or the Manchester Area Chamber of Commerce or by the member being unable to comply with the residence requirements hereinbefore set out. (1972 Code, § 1-1602, as amended by Ord. #1405, Feb. 2014)

2-303. Meetings and organization. Meetings of the tourist and community development commission shall be held on the second Monday of each month at 6:00 P.M. and such additional times as may be determined by the commission. Any additional meetings shall be held only after due public notice to the local communication media.

Special meetings of the commission may be called by the chairman, or in his absence or disability the vice chairman or by any other two (2) members of the commission, provided that due and sufficient notification has been given to all members by telephone or actual service. Due and sufficient notice shall be deemed not less than forty-eight (48) hours in advance of the scheduled meeting and the form of notice shall state the time, place and purpose of the meeting.

Officers shall be elected annually by the commission from its own members and shall be composed of a chairman, a vice chairman and a secretary to serve until the following regular meeting in September. In the event a serving officer resigns or the office is otherwise vacated during his term of office, then the chairman, the vice chairman or the other four (4) members of the commission collectively may call a meeting of the commission for the purpose of election of officers if the call for the meeting is presented to each member by mailing, phoning or hand carrying it to them at least seventy-two (72) hours in advance of that meeting and specifically designating the time and place of such election. (1972 Code, § 1-1603, as amended by Ord. #1046, Oct. 2003, Ord. #1119, Oct. 2005, Ord. #1271, June 2010, and Ord. #1715, May 2024 ***Ch23_08-06-24***)

2-304. Voting quorum number needed to transact business. No meeting of the commission shall be held unless four (4) members are present, which shall be deemed to create a quorum. All acts of the commission shall be by the affirmative vote of at least four (4) of the members. The chairman shall have the privilege of voting as do other members of the commission. (1972 Code, § 1-1604)

2-305. Minutes. The secretary of the commission shall keep minutes of all meetings, and at each subsequent meeting, whether regular or called, the minutes of the preceding meeting shall be read in the hearing of all members present, after which corrections or additions may be made prior to approval of those minutes by the commission. The minutes of all regular and special meetings shall be kept at the regular office of the commission and open to public inspection during regular office hours. A reproduced copy of all minutes of the commission shall be filed with the finance director's office of the City of Manchester and with the president of the Manchester Area Chamber of Commerce. (1972 Code, § 1-1605, as amended by Ord. #808, Jan. 1998)

2-306. Bylaws, rules and regulations. The commission may from time to time adopt such bylaws, rules and regulations as it may consider advisable provided, however, that no bylaw, rule or regulation may be enacted that would conflict in any manner with any paragraph of this chapter or with the charter of the City if Manchester, Tennessee. (1972 Code, § 1-1606)

2-307. Removal of commissioners, commission's office and duties of city attorney. Upon written charges being filed with the finance director by any member of the board of mayor and aldermen or any member of the Manchester Tourist and Community Development Commission a commission member may be removed from office by a majority vote of the board of mayor and aldermen if it determines that the member is guilty of incompetency, neglect, disregard of duty or any other conduct showing unfitness for public service.

The board of mayor and aldermen, with the approval of the commission, shall provide an office and storage space for the proper operation of the commission.

The city attorney shall represent and act for the commission in all legal matters and shall attend commission meetings, if required. (1972 Code, § 1-1607, as amended by Ord. #808, Jan. 1998)

2-308. General powers. The tourist and community development commission shall be operated to promote tourism and community development within the City of Manchester. It may enter into agreements with other organizations, such as the Manchester Area Chamber of Commerce, non-profit or for-profit organizations, to promote specific projects; fund or partially fund promotions or sponsor or partially sponsor activities provided that the total expended does not exceed the commission's budgeted funds. Any agreement with a for-profit organization or which exceeds a cumulative total of five hundred dollars ($500.00) must be approved by resolution of the board of mayor and aldermen.

The commission may enter into an agreement or agreements with the Manchester Area Chamber of Commerce to secure the services of the chamber of commerce to respond to inquiries concerning tourism and community development; distribute literature to those requesting same; compile data and fund or partially fund the memberships in the chamber of commerce for businesses during the first year they are located within the city limits of Manchester. Any such agreement must be approved by the city attorney and by resolution of the board of mayor and aldermen.

The commission is prohibited from:

(1) Entering into any employment agreement or agreement to subsidize the employment of any person;

(2) Directing the hiring or contracting with a specific person or group;

(3) Entering into a lease or rental agreement to rent or subsidize the rent of any premises; however, this shall not prohibit the rental or contribution to the rental of advertising space or billboards; or

(4) Enter into any agreement that attempts to obligate any funds beyond those budgeted for the current fiscal year.

Any purchase of advertising must be reported to the board of mayor and aldermen, in writing, before the advertising appears in the public domain.

The commission shall provide to the board of mayor and aldermen a quarterly report of all disbursements to the chamber of commerce over five hundred dollars ($500.00), individually or cumulatively, with the reason listed therefore. (1972 Code, § 1-1608, as replaced by Ord. #1503, Oct. 2016)

2-309. Fiscal responsibilities. Annually the Manchester Tourist and Community Development Commission, whether acting individually or in participation with the Manchester Area Chamber of Commerce, shall submit a detailed and comprehensive budget to the board of mayor and aldermen for their approval. This budget shall become a part of and be included in the budget of the city. The Manchester Tourist and Community Development Commission budget shall be submitted no later than the first day of June of each year.

Each calendar quarter, the commission shall file with the board of mayor and aldermen a financial report of income expenditures and operations of the commission. The commission shall file with the board of mayor and aldermen an annual report of the complete fiscal affairs of the commission and shall also file a report of the operations of the Manchester Tourist and Community Development Commission and its activities for the preceding year.

The commission shall make no expenditures nor incur any indebtedness unless the same has been previously submitted in the commission's annual budget and approved by the board of mayor and aldermen. No employee of the commission and no one engaged by the commission shall have authority to make any purchases or to contract indebtedness unless specifically authorized to do so by the commission.

Any income of the commission shall be deposited in a bank account designated by the board of mayor and aldermen. The deposit shall be to the credit of the city in a special account known as "Manchester Tourist and Community Development Commission."

In accordance with § 11 of the charter of the City of Manchester, Tennessee the finance director shall be responsible for all the financial and funding activities of the commission and shall make all disbursements from the "Manchester Tourist and Community Development Commission" checking account, with the counter-signature of the Mayor of Manchester, Tennessee, and only then after being requested to make such disbursements in writing and signed by the Chairman of the Manchester Tourist and Community Development Commission and with approval of the majority of the board of mayor and aldermen. (1972 Code, § 1-1609, as amended by Ord. #808, Jan. 1998)

CHAPTER 4

HISTORIC ZONING COMMISSION

SECTION

2-401. Creation of a historic zoning commission.
2-402. Membership on the historic zoning commission.
2-403. Appointment to the historic zoning commission.
2-404. Term of appointment, removal and vacancies.
2-405. Election of officers, rules and meetings.
2-406. Conflict of interest.
2-407. Powers and duties of the historic zoning commission.
2-408. Additional powers and duties of the historic zoning commission.
2-409. Right of entry upon land.
2-410. Authority to designate historic district or zone.
2-411. Liability of historic zoning commission members.

2-401. Creation of a historic zoning commission; regional historic zoning commission. The local legislative body shall create a historic zoning commission of no less than five (5) and no more than nine (9) members which shall consist of a representative of a local patriotic or historical organization; an architect, if available; a person who is a member of the local planning commission at the time of such person's appointment; and the remainder shall be from the community in general. The historic zoning commission shall be appointed by the chief executive of the county or municipality, subject to confirmation by the local legislative body. The terms of members of the historic zoning commission shall be five (5) years, except that the members appointed initially shall be appointed for staggered terms so that the terms of at least one (1) member but not more than two (2) members shall expire each year. All members shall serve without compensation. The commission may adopt rules and regulations consistent with the provisions of this part. (1972 Code, § 1-1701, as replaced by Ord. #1224, March 2009, and amended by Ord. #1288, Nov. 2010)

2-402. Membership on the historic zoning commission. Membership on the historic zoning commission shall be composed of the following members:

(1) One (1) member of the Manchester Regional Planning Commission at the time of his appointment;

(2) A representative of a local patriotic or historical organization;

(3) An architect, if available; and

(4) A member of the Board of Mayor and Alderman of the City of Manchester;

(5) A majority of the remaining members shall be residents or electors of the City of Manchester, Tennessee. (1972 Code, § 1-1702, as amended by Ord. #1224, March 2009, Ord. #1288, Nov. 2010, and Ord. #1522, April 2017)

2-403. Appointment to the historic zoning commission. Members of the

historic zoning commission shall be appointed by the mayor, subject to confirmation by the city council on the first Tuesday in September as current terms expire. (1972 Code, § 1-1703)

2-404. Term of appointment, removal and vacancies. The terms of all the members shall be five (5) years and shall be staggered so that the term of at least one (1) member but not more than two (2) members shall expire each year.

The terms of the two (2) additional members created hereby shall expire in 2010; that the teams of the seats currently held by Terri Buckner and Jess Lewis shall expire in 2011; that the seats currently held by Max Northcutt and Evans Baird shall expire in 2012; that the seats currently held by Kenny Sadler and Jim Cavendish expire in 2013 and the seat currently held by Gene Holmes expire in 2014.

All members shall serve without compensation and may be removed from membership by the appointing authority for just cause. Any member being so removed shall be provided, upon request, a public hearing on the removal decision before the city council.

Vacancies on the historic zoning commission shall be filled for the unexpired term of those members whose position has become vacant in the manner herein provided for the appointment of such member. (1972 Code, § 1-1704, as amended by Ord. #1224, March 2009)

2-405. Election of officers, rules and meetings. The historic zoning commission shall elect from its members its own chairman and other officers deemed appropriate to carry out its purpose. The commission shall adopt rules of order and establish regular meeting dates. A majority of the membership of the commission shall constitute a quorum for the transaction of its business. The concurring vote of five (5) members of the commission shall constitute final action of the commission on any matter before it. (1972 Code, § 1-1705, as amended by Ord. #1288, Nov. 2010)

2-406. Conflict of interest. Any member of the historic zoning commission who shall have a direct or indirect interest in any property which is the subject matter of, or affected by, a decision of said commission shall be disqualified from participating in the discussion, decision, or proceedings of the historic commission in connection therewith. (1972 Code, § 1-1706)

2-407. Powers and duties of the historic zoning commission. The historic zoning commission may submit and it shall review applications for amendments to this chapter designating historic sites or buildings for special historic districts. Such application shall be based upon at least the following criteria:

(1) Historical and cultural significance;
(2) Suitability for preservation;
(3) Educational value; and
(4) Cost of acquisition by City of Manchester, restoration, maintenance and repair, as applicable. (1972 Code, § 1-1707)

2-408. Additional powers and duties of the historic zoning commission. It shall be the duty of the historic zoning commission to make the following determination with

respect to the historic district:

(1) Appropriateness of altering or demolishing any building or structure within the historic district. The commission may require interior and exterior photographs architectural measured drawings of the exterior, or other notations of architectural features to be used for historical documentation as a condition of any permission to demolish a building or structure.

(2) Appropriateness of exterior architectural features including signs and other exterior fixtures of any new buildings and structures to be constructed within the historic district.

(3) Appropriateness of front yards, side yards, rear yards, off-street parking spaces, location of entrance drives into the property, sidewalks along the public right-of-way, which might affect the character of any building or structure within the historic district.

(4) The general exterior design, arrangement, texture, material, color of the building or other structure in question and the relation of such factors to similar features of buildings in the immediate surroundings. However, the historic zoning commission shall not consider interior arrangement or design, nor shall it make any requirements except for the purpose of preventing extensions incongruous to the historic aspects of the surroundings. (1972 Code, § 1-1708)

2-409. Right of entry upon land. The commission, its members and employees, in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this chapter, but there shall be no right of entry into any building without the consent of the owner. (1972 Code, § 1-1709)

2-410. Authority to designate historic district or zone. As provided in Tennessee Code Annotated, § 13-7-405 the historic zoning commission may recommend to the board of mayor and aldermen any areas deemed suitable to become a "historic district or zone" or "historic zoning overlap" as defined by Tennessee Code Annotated, § 13-7-404. Said areas shall receive such designation only upon ordinance properly enacted by the board of mayor and aldermen. (as added by Ord. #1288, Nov. 2010)

2-411. Liability of historic zoning commission members. Any historic zoning commission member acting within the powers granted by the chapter is relieved from all personal liability for any damage and shall be held harmless by the City of Manchester. Any suit brought against any member of the commission shall be defined by a legal representative furnished by the City of Manchester until the final termination of the procedure. (1972 Code, § 1-1710, as renumbered by Ord. #1288, Nov. 2010)

CHAPTER 5

WATER AND SEWER COMMISSION

SECTION

2-501. Water and sewer commission created.
2-502. Membership of the commission.
2-503. Meetings, organization, quorum, minutes, and bylaws of the commission.
2-504. Removal of commissioners, commission office facilities, duties of city attorney.
2-505. General powers of the commission.
2-506. General duties of the commission.

2-501. Water and sewer commission created. There shall be a commission designated as the Manchester Water and Sewer Commission to be appointed by the board of mayor and aldermen. The commission shall have planning, scheduling, inspection, monitoring, and maintaining responsibilities for the city's water pumping plant, sewage disposal plant, distribution systems, additions, extensions, and improvements thereto and for the purchase of equipment, pumping, purification, distribution, and sale of water and furnishing of sewer services to the extent and in the manner as set forth in this chapter. The commission shall be composed of planning and operations sections. The operations section shall be designated as the water and sewer department. The commission, with the approval of the board of mayor and aldermen, shall designate a manager of the water and sewer department. He shall have the duties of general supervision of the operations. (1972 Code, § 13-101)

2-502. Membership of the commission. (1) Number. The water and sewer commission shall be composed of seven members. One commission member shall be a member of the Board of Mayor and Aldermen of the City of Manchester, Tennessee, to be appointed by the mayor and confirmed by the board of aldermen. The additional member shall be appointed immediately to serve a term until September 2013, after which time the term of seventh member shall be a five-year term.

(2) Eligibility. No person shall be eligible to membership on the commission unless he has been a citizen of the State of Tennessee for one (1) year and of the city for six (6) months preceding the day of his appointment, is at least twenty-one (21) years of age, and is a property owner in the City of Manchester, Tennessee.

(3) Compensation. No commissioner shall receive any compensation, but shall be reimbursed for actual expenses incurred by reason of travel on business of the commission.

(4) Election of commissioners and terms of office. At its first regular board meeting in September, the board of mayor and aldermen shall elect one (1) member of the commission to serve for a period of five (5) years.

In September, 1995, when the terms of two (2) members of the commission expire, the board of mayor and aldermen shall replace one commissioner by an appointment to a two year term and the other commissioner by an appointment to a three year term to expire in the years 1997 and 1998 respectively. In September, 1996, when the terms of the three remaining

members of the commission expire, the board of mayor and aldermen shall replace one commissioner by an appointment to a three year term, the second commissioner by an appointment to a four year term and the third commissioner by an appointment to a five year term, expiring in the years 1999, 2000 and 2001, respectively. As each of the shorter appointments expire in the years 1997 through 2001, the successor shall be appointed for a full five year term. Two members of the commission shall be elected in 2013 and every five years thereafter.

Each commission member's term of office shall begin at the time of his election. If the election is not held as provided herein, it may be held at any regular meeting of the board of mayor and aldermen thereafter or at any special meeting if notice be given in the call therefor. Members of the commission shall continue in office until their successors are elected. If any member shall resign from, or cease to be a member of the commission before the expiration of his term, the board of mayor and aldermen shall elect a new member to serve for such member's unexpired term.

(5) Member from board of mayor and aldermen. One member of the board of mayor and aldermen shall be a member of the water and sewer commission and shall have a vote as do other commissioners. He may serve as chairman of the water and sewer commission and shall attend all meetings, report to the board of mayor and aldermen of the proceedings, status, and conduct of the affairs and business of the commission.

The member of the board of mayor and aldermen appointed to serve as a member of the water and sewer commission shall serve from the first meeting of the board of mayor aldermen is September of each year when he or she is appointed until the first meeting in September of the following year or until his or her successor is appointed and qualifies. (1972 Code, § 13-102, as amended by Ord. #1208, Oct. 2008)

2-503. Meetings, organization, quorum, minutes, and bylaws of the commission. (1) Meetings. The meetings of the water and sewer commission shall be held on the first Thursday following the board of mayor and aldermen's meeting on the first Tuesday of each month at the city hall, or at such time and place as the commission may determine.

Special meetings of the commission may be called by the chairman, or in his absence or disability, by the vice-chairman or by any three (3) members of the commission provided written notice is delivered to each member of the commission twelve (12) hours in advance of any such meeting. The notice shall state the time, place, and purpose of the meeting. Any member may waive such notice by signing and filing with the secretary a statement to that effect.

(2) Election of chairman, vice-chairman and secretary. Annually, from its own members, the commission shall elect a chairman, vice-chairman and secretary to serve a period of one (1) year. In the absence of the chairman, the vice-chairman or any four (4) members of the commission may call a meeting at any time for the election of the officers of the commission by mailing, telephoning, or hand carrying to each member of the commission, seventy-two (72) hours in advance of such meeting, a notice of the time and place of such election.

(3) Number needed to transact business. No meeting of the commission shall be held unless a majority of the members are present. All acts of the commission shall be by an affirmative vote of at least four (4) members.

(4) Minutes. The secretary of the commission shall keep minutes of all commission meetings. At each regular meeting, the minutes of the last regular meeting of the commission and subsequent special meetings shall be read unless dispensed with by a unanimous vote.

The minutes of the commission, its bylaws, rules, and regulations shall be kept in a minute book which shall remain in the office of the water and sewer commission, or in the office of the finance director. It shall be at all times subject to inspection by any commission member, any member of the board of mayor and aldermen, or by any member of the public in general.

(5) Bylaws, etc. The commission may from time to time adopt such bylaws, rules, and regulations as it may consider advisable. (1972 Code, § 13-103, as amended by Ord. #808, Jan. 1998)

2-504. Removal of commissioners, commission office facilities, duties of city attorney. (1) Removal of commission members. On charges filed by a majority vote of the board of mayor and aldermen or any member thereof, or by a majority vote of the water and sewer commission or by any member thereof, a member of the water and sewer commission may be removed by an affirmative vote of four (4) members of the board of mayor and aldermen for incompetency, neglect, disregard of duty, or other misconduct showing unfitness for public service. All charges shall be in writing. The board of mayor and aldermen shall make or direct such investigation as it may consider necessary and determine whether it will conduct a hearing upon the charges or any part thereof. In the event a hearing is decided upon, a copy of the charges or any part thereof to be considered at the hearing shall be delivered to or mailed to the commission member or members against whom they have been filed, together with notice of the time and place for the hearing, which shall not be less than five (5) days from the delivery or mailing or such charges to the accused member. The hearing shall be public. The accused shall have the right to appear and defend in person or by counsel, and shall have process of the mayor and aldermen to compel the attendance of witnesses in his behalf. The vote of the board of mayor and aldermen shall be determined by yeas and nays and the names of members voting for or against such removal shall be included in the minutes. Immediately upon a vote in favor of removal, the term of the accused shall expire.

(2) Office, etc. The board of mayor and aldermen, with the approval of the commission, shall provide offices, storage space, and other premises necessary for the proper operation of the commission.

(3) Duties of city attorney. The city attorney shall represent and act for the water and sewer commission in all legal matters and shall attend the commission meetings if requested. (1972 Code, § 13-104)

2-505. General powers of the commission. (1) Subject to the direction and contracts of the board of mayor and aldermen. The water and sewer systems shall be operated for the benefit of City of Manchester, subject to the direction and contracts heretofore or hereafter made by the City of Manchester with the people to whom the water and sewer bonds were or are sold, and also subject to such other contracts as are needed.

(2) System of operation. Subject to such contracts and to the city charter and ordinances and also to the direction of the board of mayor and aldermen, the commission shall

determine the method for operating such systems, and the business pertaining thereto, may change it from time to time, and may impose such duties upon and delegate such authority to the employees of the department and to the city attorney as it deems advisable.

(3) Classified employees. The commission shall make recommendations to the board of mayor and aldermen for the hiring of executives, engineers, or other professional employees who need to be engaged or employed in such manner as the commission shall from time to time determine, the salaries or commissions of classified employees will be determined by the commission, with approval from the board of mayor and aldermen.

(4) Rates to be changed. The commission shall not have the right to determine rates for the sale of water and furnishing of sewer services; however, it may from time to time as it deems expedient recommend to the board of mayor and aldermen the amendment of the then existing rates for the sale of water and the furnishing of sewer services.

(5) Fiscal responsibility. In accordance with § 11 of the Charter of the City of Manchester, Tennessee, the finance director shall be responsible for all financial and fund activities of the Manchester Water Department. The finance director shall receive revenues, have custody of all funds, and make all disbursements for the Manchester Water Department. (1972 Code, § 13-105, as amended by Ord. #808, 1998)

2-506. General duties of the commission. (1) Quarterly reports to the board of mayor and aldermen. Each quarter, the commission shall file with the board of mayor and aldermen a copy of the water and sewer department's latest receipts and expenditures, a copy of its monthly statistical report, a summary of its financial condition, and a general outline of the physical capability and conditions of the system, extensions, work performed, number of tie-ins, and any and all future plans and/or planning.

(2) Annual report and budget to be filed with the board of mayor and aldermen. When its annual audit has been completed, the commission shall file with the board of mayor and aldermen, a copy of the audit report signed by the accountant who made it, and shall also file with the board of mayor and aldermen a complete report of the operations of the department for the preceding year.

The commission shall, on or before the 1st day of June of each year, file a statement of anticipated revenues and their sources and a complete and itemized budget for the coming fiscal year of the water and sewer department. The budget shall be subject to the approval of the board of mayor and aldermen.

(3) Surety bonds. For the faithful performance of their duties and to protect and indemnify the city against loss occasioned by any wrongful act on their part, the treasurer and clerk of the commission shall furnish surety bonds as required by the city in such form and with such corporate surety as may be acceptable to the city. The premiums for such bonds shall be paid by the commission and charged against such accounts as it may determine.

(4) Insurance. The commission shall recommend to the city the purchase of such insurance as it considers advisable to adequately protect and indemnify the city against loss or damage to property, to the system or that may result from its operation.

The commission shall cooperate with the board of mayor and aldermen to effect such insurance economically and shall confer with the insurance committee of the board as to the placing of such insurance in an effort to have it accord with the plans that the board may adopt for the placing of all insurance in the city's behalf.

(5) Depositing collections. All collections shall be deposited each day in a bank designated by the city and shall be deposited to the credit of the city in a special account or accounts, as follows: "Department of Water and Sewers of the City of Manchester," or some other similar designation, or it may separate the funds and deposit the revenues from the sale of water in one account and the revenues from furnishing sewer service in another account, but any deposit shall show that such funds belong to the City of Manchester. (1972 Code, § 13-106)

TITLE 3

MUNICIPAL COURT

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

CHAPTER 1

CITY JUDGE[1]

SECTION
3-101. City judge.

3-101. City judge. The officer designated by the board of mayor and aldermen to handle judicial matters within the city shall preside over the city court and shall be known as the city judge. (1972 Code, § 1-601)

[1]Charter reference: § 9.

CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Maintenance of docket.
3-202. Fines and costs.
3-203. Disposition and report of fines and costs.
3-204. Disturbance of proceedings.
3-205. Trial and disposition of cases.
3-206. City court clerk.

3-201. 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 and costs imposed and whether collected; whether committed to workhouse; and all other information that may be relevant. (1972 Code, § 1-602)

3-202. Fines and costs. (1) All fines and costs shall be imposed and recorded by the city judge, or his designated clerk, on the city court docket in open court. The judge, in his discretion, may tax the costs against the defendant or the prosecutor as he sees fit.

(2) All costs imposed and recorded by the city judge or his designated clerk shall be collected and paid to the finance director. Those costs shall total one hundred fifty-six ($156.00) dollars on each warrant, with $136.25 to be paid into the city general fund as the finance director's fee and arrest fee, $4.00 paid into the community policing fund for the purpose of providing services and equipment to the community outside the normal operation of the police department, and the remaining $15.75 paid either as

(a) State litigation tax,

(b) To the administrative office of the courts for continuing education courses for municipal court judges and clerks,

(c) As a litigation tax for the violation of any ordinance governing the use of public parking space, or

(d) Into the general fund, as applicable.

(3) In addition to the costs collected by the city, the Judge, or his designated clerk, shall also collect all applicable fees required to be collected by the State of Tennessee. (1972 Code, § 1-608, as amended by Ord. #760, March 1996; Ord. #808, Jan. 1998; Ord. #1001, Aug. 2002; and Ord. #1098, May 2005)

3-203. Disposition and report of fines and costs. All funds coming into the hands of the city judge in the form of fines, 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 board of mayor and aldermen 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. (1972 Code, § 1-611)

3-204. Disturbance of proceedings. It shall be unlawful for any person to create any disturbance of any trial before the city court by making loud or unusual noises, by using indecorous, profane, or blasphemous language, or by any distracting conduct whatsoever. (1972 Code, § 1-612)

3-205. Trial and disposition of cases. Every person charged with violating a city ordinance shall be entitled to an immediate trial and disposition of his case, provided the city court is in session or the city judge is reasonably available. However, the provisions of this section shall not apply when the alleged offender, by reason of drunkenness or other incapacity, is not in a proper condition or is not able to appear before the court. (1972 Code, § 1-606)

3-206. City court clerk. There is hereby established the office of city court clerk, who shall be recommended by the city court judge, approved by the finance director and appointed by the board of mayor and alderman to serve at the will of the board.

The city court clerk will assist the city judge to maintain a docket of all matters coming before the court, which shall include for each defendant such information as his name, warrant and/or summons numbers, alleged offense, disposition, fines and costs imposed and whether collected and all other information that may be relevant. (as added by Ord. #1097, May 2005)

CHAPTER 3

WARRANTS, SUMMONSES AND SUBPOENAS

SECTION

3-301. Deleted.
3-302. Issuance of summonses.
3-303. Issuance of subpoenas.

3-301. Deleted. (1972 Code, § 1-603, as deleted by Ord. #1628, Sept. 2021 ***Ch21_07-05-22***)

3-302. Issuance of summonses. When a complaint of an alleged ordinance violation is made to the city judge, the judge may in his discretion, in lieu of issuing an arrest warrant, issue a summons ordering the alleged offender to personally appear before the city court at a time specified therein to answer to the charges against him. The summons shall contain a brief description of the offense charged but need not set out verbatim the provisions of the ordinance alleged to have been violated. Upon failure of any person to appear before the city court as commanded in a summons lawfully served on him, the cause may be proceeded with ex parte, and the judgment of the court shall be valid and binding subject to the defendant's right of appeal. (1972 Code, § 1-604)

3-303. Issuance of subpoenas. The city judge may subpoena as witnesses all persons whose testimony he believes will be relevant and material to matters coming before his court, and it shall be unlawful for any person lawfully served with such a subpoena to fail or neglect to comply therewith. (1972 Code, § 1-605)

CHAPTER 4

BONDS AND APPEALS

SECTION

3-401. Deleted.
3-402. Appeals.
3-403. Deleted.

3-401. Deleted. (1972 Code, § 1-607, as deleted by Ord. #1628, Sept. 2021 ***Ch21_07-05-22***)

3-402. Appeals. Any defendant who is dissatisfied with any judgment of the city court against him may, within ten (10) days next after such judgment is rendered appeal to the next term of the circuit court upon posting a proper appeal bond.[1] (1972 Code, § 1-609)

3-403. Deleted. (1972 Code, § 1-610, as deleted by Ord. #1628, Sept. 2021 ***Ch21_07-05-22***)

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[1]State law reference
Tennessee Code Annotated, § 27-5-101.

TITLE 4

MUNICIPAL PERSONNEL

CHAPTER

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CHAPTER 1

SOCIAL SECURITY FOR OFFICERS AND EMPLOYEES

SECTION

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4-101. Policy and purpose as to coverage. It is hereby declared to be the policy and purpose of this city to provide for all eligible employees and officials of the city, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state and federal laws or regulations. (1972 Code, § 1-701)

4-102. Necessary agreements to be executed.[1] 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

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[1]See Ord. #730 (April 1995) of record in the office of the finance director for amendments to the agreement previously made between the City of Manchester, Tennessee and the State of Tennessee Old Age and Survivors Insurance Agency.

agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1972 Code, § 1-702)

4-103. Withholdings from salaries or wages. Withholdings from the salaries or wages of employees and officials for the purpose provided in the first section of this chapter are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by said laws or regulations. (1972 Code, § 1-703)

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. (1972 Code, § 1-704)

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. (1972 Code, § 1-705)

4-106. Exclusions.[1] There is excluded from this chapter any authority to make any agreement with respect to any position or any employee or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the city.

There is also excluded from this chapter any authority to make any agreement with respect to emergency employees, part-time employees, fee basis employees, elective judicial officials, or any employees or officials not authorized to be covered by applicable federal or state laws or regulations. (1972 Code, § 1-706)

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[1]See Ord. #730 (April 1995) of record in the office of the finance director for amendments to the agreement previously made between the City of Manchester, Tennessee and the State of Tennessee Old Age and Survivors Insurance Agency.

CHAPTER 2

PERSONNEL RULES AND REGULATIONS

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4-201. Definitions. As used in these rules the following words and terms shall have the meanings listed:

(1) "Absence without leave." An absence from duty which was not authorized or approved.

(2) "Administrative leave." An additional leave granted to full-time employees for attending to personal business.

(3) "Appeals." Procedures as prescribed by these regulations for appealing disciplinary actions and other individual grievances.

(4) "Applicant." An individual who has applied in writing on an application form for employment.

(5) "Appointment." The offer to and acceptance by a person of a position either on a regular or temporary basis.

(6) "Chief administrative officer." The mayor.

(7) "Classified service." Those covered under these rules and regulations.

(8) "Compensatory leave." Time off from work in lieu of monetary payment for overtime worked as provided herein.

(9) "Demotion." Assignment of an employee from one position to another which has a lower maximum rate of pay and rank.

(10) "Department." The primary organizational unit which is under the immediate charge of a department head who reports directly to the chief administrative officer.

(11) "Department heads." Persons employed as the Administrator of Health and Codes, the Directors of General Services, Parks and Recreation and Water and Sewer, The Finance Director, and the Fire Chief and Police Chief of the City of Manchester.

(12) "Departmental committee or commission." A committee or commission which has duties relating to a particular department.

(13) "Disciplinary action." Action which may be taken when an employee fails to follow departmental rules or any provisions of these rules.

(14) "Dismissal." A type of disciplinary action which separates an employee from the payroll.

(15) "Employee." An individual who is legally employed and is compensated through the payroll.

(16) "Full-time employees."Individuals who work regular shifts of forty (40) hours or more per week, and individuals on twenty-four (24) hour shifts.

(17) "Funeral leave." Leave for funeral of immediate family, not to exceed three days at any one time.

(18) "Grievance." A dispute arising between an employee and supervisor relative to some aspect of employment, interpretation of regulations and policies, or some management decision affecting the employee.

(19) "Immediate family." Spouse, children, stepchildren or foster children, a child's, stepchild's or foster child's spouse, grandchildren, brother, sister, parents or step parents, grandparents, mother-in-law and father-in-law, sister-in-law and brother-in-law.

(20) "Lay-off." The involuntary nondisciplinary separation of an employee from a position because of shortage of work, materials or funds.

(21) "Leave." An approved type of absence from work as provided for by these rules.

(22) "Maternity leave." An absence due to pregnancy, childbirth, or related medical conditions which shall be treated the same as sick leave.

(23) "Occupational disability or injury leave." An excused absence from duty because of an injury or illness sustained in the course of employment and determined to be compensable under the provisions of the Worker's Compensation Law.

(24) "Overtime." Authorized time worked by an employee in excess of normal working hours or work period.

(25) "Overtime pay." Compensation paid to an employee for overtime work performed in accordance with these rules.

(26) "Probationary period." The designated period of time after an applicant is appointed or an employee is promoted in which the employee is required to demonstrate fitness for the position by actual performance.

(27) "Promotion." Assignment of an employee from one position to another which has a higher maximum rate of pay and rank.

(28) "Reprimand." A type of disciplinary action, oral or written, denoting a violation of personnel regulations which becomes part of the employee's personnel record.

(29) "Seniority." Length of service as a regular employee in the classified service.

(30) "Sick leave." An absence approved by the department head or supervisor due to non-occupational illness or injury.

(31) "Supervisor." Any individual having authority on behalf of the municipality to assign, direct or discipline other employees if the exercise of

such authority is not a mere routine or clerical nature, but requires the use of independent judgment.

(32) "Suspension." An enforced leave of absence for disciplinary purposes or pending investigation of charges made against an employee.

(33) "Temporary employee." An employee holding a position other than permanent, which is of a temporary, seasonal, casual, or emergency nature.

(34) "Transfer." Assignment of an employee who had completed his/her probationary period from one position to another position.

(35) "Work day or work period." Scheduled number of hours an employee is required to work per day or per scheduled number of days. (1972 Code, § 1-801, as amended by Ord. #891, July 2000, Ord. #979, April 2002, Ord. #998, July 2002, Ord. #1095, May 2005, Ord. #1158, Feb. 2007, and Ord. #1407, Feb. 2014)

4-202. Coverage. These rules shall apply only to the classified service unless otherwise specifically provided or necessarily implied. The classified service shall include all full-time positions which are not specifically placed in the exempt service. The exempt service shall include the following:

(1) All elected officials and persons appointed to fill vacancies in elective offices.

(2) All members of appointive boards, commissions or committees.

(3) City attorney and city judge.

(4) Consultants, advisors and counsel rendering temporary professional service.

(5) Independent contractors.

(6) Temporary employees who are hired to meet the immediate requirements of an emergency condition.

(7) Seasonal employees who are employed for not more than three (3) months during the fiscal year.

(8) Persons rendering part-time services.

(9) Volunteer personnel, such as volunteer firefighters, and all other personnel appointed to serve without compensation. (1972 Code, § 1-802)

4-203. Recruitment. Individuals shall be recruited to assure obtaining well-qualified applicants for the various types of positions. The city recognizes that it is advantageous and productive to maintain a well-balanced work force of qualified men and women of all ethnic and religious backgrounds to carry out the functions of city government. All applicants shall be treated equally regardless of race, creed, color, religion, age, ethnic background, marital status, gender, political affiliation, non-job related disability or other non-job related factor. Reasonable accommodations in the application process will be made to applicants with disabilities making a request for such accommodation.

Applications shall be made on forms provided by the finance director. Such forms shall require information covering residence, education, training,

work experience references, written authorization for the release of information as may be pertinent to the vacancy which is being filled. Resumes or applications submitted on forms other than those specified above may be accepted at the discretions of the department head provided that they supply substantially the same information as the city application form. Applications shall be held in the active file for a period of six (6) months for review by any department head or supervisor.

Nothing in the personnel rules and regulations documents shall be deemed to give employees any more property rights in their job than may already be given by the city charter. The city reserves the right to alter or change any or all of these rules without prior notice to current employees. (1972 Code, § 1-803, as amended by Ord. #808, Jan. 1998)

4-204. Notice of vacancies. Prior to the employment of any person by the City of Manchester, Tennessee, a notice of that job opening shall be posted on the main bulletin board at city hall and on designated employee boards in all departments. All notices of vacancies shall be posted for at least five (5) working days prior to the deadline for accepting applications for that position. If an applicant is not chosen after the vacancy has been posted, then a notice of that job opening shall be published in a local newspaper and advertised on a local radio or in other methods to insure effective communication to someone with disabilities for at least five (5) days prior to the extended deadline for accepting applications for that position. The requirements to post or advertise also shall apply when filling part-time, temporary, or seasonal positions, but shall not exclude the mayor's right to hire temporarily on an emergency basis. A temporary appointment shall not be made to a vacant budgeted position in order to give an applicant an advantage in permanently securing that position, nor shall a temporary appointment be made in order to forgo advertising, examination or testing.

Notices of vacancies shall include the job description summary and qualifications for that job as evidenced by the written job description and qualifications which shall be kept on file in each department. A written job description and qualifications for each budgeted city position shall be approved by the board of mayor and aldermen. At the time the need for a new position is recognized, the department head, supervisor, and departmental committee or commission shall prescribe minimum qualifications as required by the nature of the work to be performed, and a written job description and qualifications shall be prepared by the department head and added to the departmental file. (1972 Code, § 1-804, as amended by Ord. #891, July 2000, and Ord. #979, April 2002)

4-205. Consideration of qualified applicants. After notice of the job opening has been posted or advertised by the personnel officer according to Code § 4-204, the director shall combine any existing applications with the new

applications and certify all applicants who meet the job description to the department head, who will review the applications and then interview the applicants, jointly with the personnel officer.

In order to encourage upward mobility within the city service, the following shall be the order of consideration of eligible applicants for vacant regular city positions:

1st - Qualified regular city employees currently working in the department which the vacancy exists. An employee laid off in accordance with § 4-230 shall be considered as an active employee for purposes of this section.

2nd - Other qualified regular city employees.

3rd - Qualified temporary or part-time city employees, including reserve firefighter and reserve policemen, currently working in the department in which the vacancy exists.

4th - Other qualified temporary or part-time city employees.

5th - Qualified applicants who are not currently city employees, who live inside the City of Manchester.

6th - Qualified applicants living outside the City of Manchester but in Coffee County.

Each department head and supervisor shall consider the makeup of the current workforce in his/her program area. (1972 Code, § 1-805, as amended by Ord. #891, July 2000, Ord. #979, April 2002, Ord. #1053, March 2004, Ord. #1158, Feb. 2007, and Ord. #1407, Feb. 2014)

4-206. <u>Disqualifications</u>. The departmental head may reject any applicant:

(1) If the applicant does not possess the minimum qualifications for the position as stated in the job description and notice of vacancy;

(2) If the applicant did not file the application before the deadline or did not file the application on the prescribed form;

(3) If the applicant has established an unsatisfactory employment or personnel record (as evidenced by reference check) of such a nature as to demonstrate unsuitability for employment;

(4) If the applicant is unable to perform the essential functions of the job and it is determined that the inability to perform is due to a disability which cannot be reasonably accommodated, they pose a direct threat to themselves or others or they are unable to perform the essential functions due to a temporary condition or disability not protected by the ADA;

(5) If the applicant is currently using narcotics or his or her excessive use of intoxicating liquors will pose a direct threat to the health and safety of others;

(6) If the applicant refuses to undergo pre-employment drug testing, complete the necessary forms or fails to successfully pass a certified drug screening test;

(7) If the applicant has been convicted, within the previous ten (10) years of a felony, or a crime involving moral turpitude or any violation of city, state, or federal law which is relevant to the type of work to be performed in the vacant position;

(8) If the applicant does not reply to a mail or telephone inquiry;

(9) If the applicant fails to accept appointment within the time prescribed in the offer;

(10) If the applicant has made a false statement regarding a material fact, practices, or attempted to practice, any deception or fraud in his/her application; or

(11) If the applicant is serving on a city committee or commission and has not resigned from that committee or commission prior to making application for employment with the city. (1972 Code, § 1-806, as amended by Ord. #805, Jan. 1998, and Ord. #1158, Feb. 2007)

4-207. Employment examinations and drug and alcohol testing. All appointments may be subject to competitive examination. All examinations shall fairly and impartially test those matters relative to the capacity and fitness of the applicant to discharge efficiently the duties of the positions to be filled. A reasonable accommodation in the examination process will be made to disabled applicants requesting such accommodation.

Examinations may consist of one or more of the following types: a written test of required knowledge; an oral interview; a performance test of manual skills; a physical test of strength, agility, and fitness; a written test of mental ability; or an evaluation of training and experience.

Following a conditional offer of employment, every prospective employee, when required, may be examined by a licensed medical physician designated by the municipal government. This exam will determine whether prospective employees can perform the essential functions of the position offered and will serve as a general physical overview. The cost of this medical examination shall be born by the city. Any prospective employee who is unable to successfully perform the essential functions tested for in the medical examination shall have the offer of employment by the city withdrawn only if:

(1) They cannot perform the essential functions due to a disability which cannot reasonably be accommodated; or

(2) They pose a direct threat to themselves and/or others; or

(3) They are unable to perform the essential functions due to a temporary condition or disability not protected by the ADA.

At the request of a department head, employees of the city may be required to undergo periodic examinations to determine their physical and mental fitness to continue to perform the work of their positions. This periodic examination shall be at no expense to the employee. Determination of physical or mental fitness will be made by a physician designated by the board of mayor and aldermen.

When a city employee is reported by the examining physician to be physically or mentally unfit to perform work in the position for which he or she is employed, the employee may, within five (5) days from the date of that notification, indicate in writing to the mayor of his or her intention to submit the question of physical or mental unfitness to a physician of his or her choice.

In the event there is a difference of opinion between the examining physician and the physician chosen by the employee, a physician shall be mutually agreed upon and designated by both physicians and the third physician's decision shall be final and binding as to the physical or mental fitness of the employee. The city shall pay it's physician, the employee shall pay his or her physician and the cost of the third physician shall be shared by the city and the employee.

Employees determined to be physically or mentally unfit to continue in their position may be demoted according to these rules or they may be separated from the municipal government service only after it has been determined that:

(4) They cannot perform the essential functions due to a disability which cannot be reasonably accommodated; or

(5) They pose a direct threat to themselves and/or others; or

(6) They are unable to perform the essential functions due to a temporary condition or disability not protected by the ADA.

It is the policy of the City of Manchester that the use of drugs by its employees and impairment in the workplace due to drugs and/or alcohol are prohibited and will not be tolerated. Engaging in prohibited and/or illegal conduct may lead to termination of employment. Prohibited and/or illegal conduct includes but is not limited to:

(a) Being on duty or performing work in or on city property while under the influence of drugs and/or alcohol;

(b) Engaging in the manufacture, sale, distribution, use, or unauthorized possession of drugs at any time and of alcohol while on duty or while on city property;

(c) Refusing or failing a drug and/or alcohol test administered under this policy;

(d) Providing an adulterated, altered or substituted specimen for testing;

(e) Use of alcohol within eight (8) hours prior to reporting for duty on schedule or use of alcohol while being compensated for on-call duty; and

(f) Use of alcohol or drugs within eight (8) hours following an accident (incident) if the employee's involvement has not been discounted as a contributing factor in the accident (incident) or until the employee has successfully completed drug and/or alcohol testing procedures.

Compliance with this substance abuse policy is a condition of employment. The failure or refusal by an applicant or employee to cooperate fully by signing necessary consent forms or other required documents or the

failure or refusal to submit to any test or any procedure under this policy in a timely manner will be grounds for refusal to hire or for termination. The submission by an applicant or employee of a urine sample that is not his/her own or is adulterated shall be grounds for refusal to hire or for termination.

This policy does not preclude the appropriate use of legally prescribed medication that does not adversely affect the ability of the employee to perform his duties. It is the duty of the employee to inform his supervisor or department head of his use of such legally prescribed medication prior to the beginning of his shift.

Applicants and persons continuing as employees of the city after the passage of Ord. #753 consent to:

(i) Submitting to a drug test before receiving a final offer of employment.

(ii) Submitting to a post-accident drug test within thirty-two (32) hours, or an alcohol test within two (2) hours after an incident if the employee is involved in a motor vehicle accident during work hours. If a current employee refuses a drug or alcohol test administered pursuant to this policy, has a positive drug test for:

(A) An illegal drug;

(B) An un-prescribed drug that produces stimulating effects on the central nervous system as defined in Tennessee Code Annotated, § 55-10-401;

(C) An amount of a legally prescribed drug which adversely affects the ability of the employee to perform his/her duties; or

(D) An amount of a legally prescribed drug in excess of the amount prescribed for the employee,

the employee will be terminated pursuant to the personnel policy. Any employee whose alcohol test reveals a concentration of four one hundredths of one percent (0.04%) or more will be terminated pursuant to the personnel policy.

(iii) Submitting to a test where there is reasonable suspicion to believer that an employee is under the influence of drugs and/or alcohol. Reasonable-suspicion drug testing means drug or alcohol testing based on a belief that an employee is using or has used drugs or alcohol in violation of the city's policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, the facts and inferences may be based upon:

(A) Observing phenomena while at work, such as direct observation of drug or alcohol use or of the physical symptoms or manifestations of being under the influence of a drug or alcohol;

(B) Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;

(C) A report of drug or alcohol use, provided by a reliable and credible source;

(D) Evidence that an individual has tampered with a drug or alcohol test during employment with the current covered employer;

(E) Information that an employee has caused, contributed to or been involved in an accident while at work; or

(F) Evidence that an employee has used, possessed, sold, solicited or transferred drugs or used alcohol while working or while on the covered employer's premises or while operating the covered employer's vehicle, machinery or equipment.

(iv) Submitting to random drug testing if they are employed in a safety sensitive position as a fireman, policeman, or a lifeguard, or are required to possess a commercial driver's license (CDL). Fifty percent (50%) of these employees shall be tested annually for drugs, and twenty-five percent (25%) shall be tested annually for alcohol. Random dates will be announced with unpredictable frequency, and those employees tested will be determined by a random selection, and testing must be performed within 2 hours after notification.

Job applicants will be denied employment if their pre-employment drug and/or alcohol tests are confirmed positive. If a current employee's drug and/or alcohol test has been confirmed positive, the employee may be subject to disciplinary action up to and including termination, as provided in the personnel policy of the City of Manchester, Tennessee.

All city property is subject to inspection at all times, without notice, including but not limited to vehicles, desks, containers, files and lockers. There shall be no expectation of privacy in such property.

A list of prohibited drugs, drug testing collection procedures, laboratory standards and procedures, and reporting and reviewing will be filed in the office of the Finance Director of the City of Manchester for review by the public or any employee of the city. (1972 Code, § 1-807, as amended by Ord. #753, Jan. 1996, Ord. #782, Feb. 1997, Ord. #808, Jan. 1998, Ord. #1158, Feb. 2007, Ord. #1342, Oct. 2012, Ord. #1354, Dec. 2012, Ord. #1400, Dec. 2013, and Ord. #1482, May 2016)

4-208. Nepotism prohibited. No more than one member of each family shall be employed in the same department of the city government. No person shall be employed, promoted or transferred into a department of the city, when as a result he/she would be receiving direct supervision or supervising a family member.

This prohibition shall apply to temporary or volunteer workers being considered for service in the same department as a defined family member, but it shall not apply to seasonal employees working with non-supervisory family members in the recreation department.

Family members for the purpose of this section are the same persons defined as "Immediate family" in municipal code § 4-201(18).

When, as a result of a marriage, employees become in violation of this policy, and one or the other employee does not voluntarily terminate or transfer, the board of mayor and aldermen, shall transfer one of the employees to another shift or another department as soon as an opening is available. (1972 Code, § 1-808, as amended by Ord. #866, Dec. 1999, Ord. #1032, June 2003, Ord. #1099, June 2005, and Ord. #1407, Feb. 2014)

4-209. Appointments. The appointment of qualified applicants as new employees of the city shall be made by the department head, who will select the successful applicant and prepare and submit a personnel action form to the mayor for approval, which will then be sent to the personnel officer for processing and formal hiring upon successful completion of a drug screen and physical examination.

(1) Regular appointments/probationary period. The probationary period for all regular non-supervisory appointments, including promotional appointments, shall be for a period of ninety (90) days. The employee's supervisor will document and discuss with the employee during the probationary period when performance is not satisfactory.

Applicants appointed to any regular supervisory position shall be considered to be in probationary status for a period of twelve (12) calendar months from the date of appointment. The department head will document and discuss with the employee, during the probationary period, when performance is not satisfactory and is not meeting probationary test requirements.

At least ten (10) days prior to the expiration of an employee's probationary period, the department head shall notify the mayor and the appropriate departmental committee or commission whether the service of the employee has been satisfactory, and whether the department head recommends that the employee continue in the position. An additional probationary period of up to six months may be requested by the department head. No employee shall serve more than twelve months on a probationary basis, unless extended by a vote of the board of mayor and aldermen.

(2) Temporary/seasonal appointments. Temporary/seasonal appointments are made to short term positions requiring less than continuous

year-round service. A temporary/seasonal position may be for full or part-time. Temporary/seasonal appointments or terminations in the recreation department shall be made by the department head. Temporary/seasonal employees are not eligible for vacation leave, sick leave, or other fringe benefits.

(3) Reserve appointments. Reserve firefighter appointments shall be made by the fire chief with approval by the safety committee. Reserve policemen appointments shall be made by the police chief with approval by the safety committee.

(4) Emergency appointments. In an emergency, the mayor may authorize the appointment of any person to a position to prevent stoppage of public business, or loss or serious inconvenience to the public. Emergency appointments shall be limited to a period not to exceed thirty (30) days.

However, the board of mayor and aldermen may extend this period when it is deemed to be in the best interest of the city. (1972 Code, § 1-809, as amended by Ord. #891, July 2000, Ord. #979, April 2002, Ord. #1053, March 2004, Ord. #1158, Feb. 2007, Ord. #1385, Aug. 2013, and Ord. #1407, Feb. 2014)

4-210. Promotions, transfers, and demotions. (1) Promotions. Vacancies in positions above the entrance level shall be filled by promotion whenever in the judgment of the department head and mayor that it is in the best interest of the municipality to do so.

Promotions shall be on a competitive basis and shall give appropriate consideration to the applicant's performance, qualifications and seniority.

(2) Transfers. Any employee who has completed the probationary period may be transferred to the same or similar position in a different department without being subject to a probationary period after approval of the mayor and department heads. A probationary period is required when the transfer is to a different position in a different department.

When a city employee transfers to another department, seniority shall be retained for retirement, and longevity purposes, but seniority status in the new department shall begin at transfer unless the transfer is intended by the board of mayor and aldermen to be a temporary reassignment to the other department with the intention to return to the original department at a later date, in which case the employee s
hall retain seniority for the time served in both departments when he is transferred back to the original department.

Salary for city employees who transfer to a different position will be based on based on qualifications for the new position, and his/her salary will be adjusted accordingly.

(3) Demotions. An employee may be demoted to a position of lower grade, if qualified by his/her department head, with the approval of the mayor, for any of the following reasons: because the position is being abolished and the employee would otherwise be laid off; there is a lack of funds; because another employee, returning from authorized leave, will occupy the position to which the

employee is currently assigned; the employee does not possess the necessary qualifications to render satisfactory service in the position, or is removed during probation; or the employee voluntarily requests demotion. (1972 Code, § 1-810, as amended by Ord. #891, July 2000, Ord. #937, July 2001, Ord. #979, April 2002, and Ord. #1158, Feb. 2007)

4-211. Hours of work. The department head shall establish hours of work week for each position, based on the needs of service, and taking into account the reasonable needs of the public that may be required to do business with various departments. (1972 Code, § 1-811)

4-212. Attendance. An employee shall be in attendance at regular work in accordance with these rules and with general department regulations. All departments shall keep daily attendance records of their employees. (1972 Code, § 1-812)

4-213.[1] **Compensation for court attendance and fire pay**. Off-duty safety officers who are required to attend court or who are called to a fire when they are not on duty shall be compensated at their regular pay rate during the time they are attending court or are present at the fire scene upon documentation of the time spent to the finance director. A safety officer shall be paid a minimum of two (2) hours pay for each separate court appearance, or fire call and compensation for any time in excess of two hours that is actually spent in court or at a fire. (1972 Code, § 1-813, as amended by Ord. #808, Jan. 1998)

4-214. Outside employment. No employee may engage in additional employment outside the official hours of duty unless approved by the mayor upon recommendation of the department head. (1972 Code, § 1-814, as amended by Ord. #891, July 2000, and Ord. #979, April 2002)

4-215. Pecuniary interests. No officer or employee shall personally profit directly or indirectly from any contract, purchase, sale, or service between the municipality and any person or company; or personally or as an agent provide any surety, bail, or bond required by law or subject to approval by the governing body. No officer or employee shall accept any free or preferred services, benefits or concessions from any person or company. (1972 Code, § 1-815)

4-216. [Repealed]. (1972 Code, § 1-816, as repealed by Ord. #1432, Aug. 2014)

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[1]See § 4-239 regarding step raises for employees of the city.

4-217. Holiday leave. The following legal holidays shall be observed by all employees of the City of Manchester, with the exception of employees of the fire and police department, except those designated by the department head to be entitled to observe holidays: New Year's Day, Martin Luther King's birthday, Good Friday, Memorial Day, June nineteenth, Independence Day, Labor Day, Veteran's Day, two (2) days for Thanksgiving, three (3) days for Christmas, and the employee's birthday.

When a holiday falls on a Saturday or Sunday, the preceding Friday or the following Monday shall be observed as a holiday. The employee's birthday shall be taken within thirty (30) days of the birthday. When possible, every employee shall be given these approved holidays, and those who must work shall receive equivalent time off or if necessary, double pay for the time worked, however, double pay or payment in lieu of leave shall not be paid for any employee's birthday; equivalent time off within thirty (30) days is the sole entitlement.

Employees of the fire or police department, other than those designated by their department head to receive holiday leave, shall receive compensation in lieu of leave by payment of eight (8) hours of their regular wage on the payday occurring immediately after the holiday, or at their request, and with the permission of the department head, equivalent time off. (1972 Code, § 1-817, as amended by Ord. #969, Feb. 2002, Ord. #1255, Dec. 2009, Ord. #1347, Oct. 2012, and Ord. #1633, Dec. 2021 ***Ch21_07-05-22***)

4-218. Annual leave. All permanent employees who work shifts of less than 24 hours and have been continuously employed for a period of one year or longer shall be credited with earned vacation leave in accordance with the following schedule:

Completed Service	Vacation Credit - Per Year
After 1 year	10 days
After 10 years	15 days
After 20 years	20 days

All permanent employees who work shifts of 24 hours or more and who have been continuously employed for a period of one year or longer shall be credited with earned vacation leave in accordance with the following schedule:

Completed Service	Vacation Credit - Per Year
After 1 year	6 days
After 10 years	9 days
After 20 years	12 days

Annual leave may be taken as earned subject to the department head who shall schedule vacations so as to meet operational requirements of the

department, any annual leave requested for more than ten (10) consecutive leave days must be approved by the mayor.

Employees who work shifts of less than twenty-four (24) hours may accrue vacation leave to a maximum forty (40) days and employees who work shifts of twenty-four (24) hours or more may accrue vacation leave to a maximum of twenty-four (24) days. Vacation leave shall be charged in not less than one-half (1/2) hour increments.

Employees resigning will receive payment for accrued vacation as of the date of resignation.

On the anniversary of the employee's date of hire any days of annual leave an employee would accrue in excess of the maximum allowed by this section shall be converted to sick leave hours at the rate of eight (8) hours per day of annual leave if the employee works a shift of less than twenty-four (24) hours and at a rate of 13.333 hours per day if the employee works a shift of twenty-four (24) hours or more. This provision shall be effective January 1, 2011. (1972 Code, § 1-818, as amended by Ord. #1298, May 2011, Ord. #1407, Feb. 2014, and Ord. #1703, Nov. 2023 ***Ch23_08-06-24***)

4-219. Administrative leave. Employees and appointed officials of the City of Manchester who work full time for the city with shifts of less than twenty-four hours shall receive an annual administrative leave of sixteen (16) hours in each fiscal year. Employees who work shifts of twenty-four hours or more shall receive an annual administrative leave of thirty-two (32) hours in each fiscal year. Administrative leave taken during that employee's sleep time shall be charged as any other administrative leave. An employee hired or rehired shall not be entitled to the administrative leave provided by this section until the expiration of his or her probationary period.

Administrative leave may be used in increments from a minimum of one hour to a maximum of the entire leave, at the employee's discretion, but permission to take administrative leave must be received from the department head at least twenty-four hours prior to the taking of the leave.

An employee's administrative leave hours shall renew on his or her hire date. Any administrative leave not used by the anniversary of the employee's hire date shall abate. Administrative leave shall be in addition to any sick leave, vacation leave or funeral days given to the city employee. (1972 Code, § 1-819, as amended by Ord. #1388, Aug. 2013)

4-220. [Repealed.] (1972 Code, § 1-820, as repealed by Ord. #1158, Feb. 2007)

4-221. Sick leave. Employees shall accrue sick leave from their employment date, but shall not be entitled to take sick leave until they have completed their probationary period. Sick leave with pay shall be granted for the following reasons: personal illness or physical incapacity resulting from causes

beyond the employee's control; illness of a member of the employee's immediate family that requires the employee's personal care and attention; enforced quarantine of the employee in accordance with community health regulations or to keep a doctor's appointment.

In order to be granted sick leave with pay, an employee must meet the following conditions: notify the immediate supervisor prior to the beginning of the scheduled work day of the reason for absence; submit, if required by the department head, a medical certificate signed by a licensed physician certifying that the employee has been incapacitated for work for the period of absence, the nature of the employee's sickness or injury, and that the employee is again physically able to perform duties. A medical statement may be required only if the period of absence is two consecutive days or longer.

Sick leave may be taken as necessary, but may not be extended beyond the accrual at the time of absence. Provided, however, that at the request of the employee any accrued vacation balance may be applied and extended as though it were sick leave. Sick leave with pay shall be granted to all full time employees who work shifts of less than 24 hours at the rate of eight (8) hours per month and to employees who work shifts of 24 hours or more, at the rate of ten (10) hours per month, which vests on the last day of the month in which it is earned. Sick leave taken by employees shall be charged against that employee's sick leave balance on an hour for hour basis, up to a maximum of sixteen (16) hours in any one day.

Employees entitled to sick leave under this section or employees granted a leave of absence without pay under code § 4-225 because of sickness or disability not compensable under the worker's compensation law, and who are able to perform light duty work, but are still unable to return to their regular position with the city, may be temporarily allowed to return to another position with the city that is within their work limitations, which placement will be at the discretion of their department head and only if a suitable position of employment is temporarily available.

When granted leave, as provided herein, the employee shall advise his or her supervisor when he or she expects to return to work. In the event an employee is absent for more than one (1) week, he or she shall advise his or her supervisor no less frequently than weekly when he or she expects to return to work. Failure to timely advise one's supervisor as required may result in denial of sick leave benefits. (1972 Code, § 1-821, as amended by Ord. #888, July 2000, Ord. #1075, Aug. 2004, Ord. #1092, March 2005, Ord. #1158, Feb. 2007, and Ord. #1407, Feb. 2014)

4-222. <u>Sick leave remuneration upon separation</u>. (1) Upon separation, resignation or retirement an employee will be paid for accumulated sick leave up to a maximum of two thousand (2,000) hours.

(2) Any employee with accrued sick leave in excess of two thousand (2,000) hours as of the date of final passage of the ordinance comprising this

section shall be paid for any accumulated sick leave at the time of separation, resignation or retirement up to the amount said employee had accumulated as of the date of final passage of the ordinance comprising this section; however, in the event said employee's accumulated sick leave should fall below two thousand (2,000) hours prior to separation, resignation or retirement, the maximum hours for which the employee can receive payment at the time of separation, resignation or retirement shall be two thousand (2,000). (1972 Code, § 1-822, as amended by Ord. #888, July 2000, and replaced by Ord. #1158, Feb. 2007, and Ord. #1298, May 2011)

4-223. Occupational disability or injury leave. Occupational disability or injury leave shall be granted employees who sustain an injury or an illness during the course of their employment which is determined to be compensable under the provisions of the Worker's Compensation Law. An employee entitled to leave under this provision shall, no less than weekly, advise his or her supervisor when he or she expects to be released to return to work.

Employees on occupational disability leave shall receive such benefits in lieu of pay as are provided by the Worker's Compensation Law; however, the employee on occupational disability leave who has accrued sick leave, annual leave or administrative leave, may elect to use their leave in fractional hours so the amount received from their worker's compensation benefits, and the fractional leave payment will total, but not exceed their average net compensation.

An employee on occupational disability or injury leave who has used all accrued sick leave, annual leave, administrative leave and family and medical leave must apply for and be approved for a leave without pay under § 4-225 in order to remain as a city employee. Employees on occupational disability or injury leave who have not achieved maximum medical recovery, but who have been medically certified to perform light duty work, will be required to return to another position with the city that is within the restrictions imposed by the worker's compensation physician. (1972 Code, § 1-823, as replaced by Ord. #930, May 2001, and amended by Ord. #1076, Aug. 2004, and Ord. #1407, Feb. 2014)

4-224. Leave with pay. Leave with pay may be authorized in order that employees may serve required court and jury duty, provided that such leave is reported in advance to the supervisor. In order to receive full pay for such leave, the employee must deposit the money which he received for the jury duty with the finance director.

Any employees or officers of the city who are, or may become, members of any reserve component of the armed forces of the United States, including members of the Tennessee army and air national guard, shall be entitled to leave of absence from their respective duties, without loss of time, pay, regular leave or vacation, impairment of efficiency rating, or any other rights or benefits

to which otherwise entitled, for all periods of military service during which they are engaged in the performance of duty or training in the service of this state, or of the United States, under competent orders; provided, that an officer or employee while on such leave shall be paid salary or compensation for a period, or periods, not exceeding twenty (20) working days in any one (1) calendar year, plus such additional days as may result from any call to active state duty pursuant to § 58-1-106. The military leave herein provided shall be unaffected by date of employment or length of service and shall have no effect on other leaves provided by law, regulation, policy or practice. After the twenty (20) working days of full compensation, members of any reserve component of the armed forces of the United States, including members of the Tennessee army and air national guard, may use up to five (5) days of sick leave in lieu of annual leave for the purposes of not having to take leave without pay. (1972 Code, § 1-824, as amended by Ord. #808, Jan. 1998, and Ord. #1411, March 2014)

4-225. Leave without pay. A regular employee may be granted a leave of absence without pay for a period not to exceed one year for temporary sickness, disability, or for other good and sufficient reasons. Such leaves shall require the prior recommendation of the department head and approval of the mayor. (1972 Code, § 1-825, as amended by Ord. #1158, Feb. 2007)

4-226. Prohibitions. No person shall seek or attempt to use any political endorsement in connection with any appointment to a position, or demotion or dismissal from a position in the classified service.

No person shall use or promise to use, directly, or indirectly, any official authority or influence, whether possessed or anticipated, to secure or to attempt to secure for any person an appointment to a position in the classified service, or any increase in wages or other advantage in employment in such position, for the purpose of influencing the vote or political action of any person, or for any other consideration.

No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for or on account of any appointment or promotion, or any advantage in a position in the classified service. (1972 Code, § 1-826)

4-227. [Repealed.] (1972 Code, § 1-827, as repealed by Ord. #1170, June 2007, as repealed by Ord. #1170, June 2007)

4-228. Separations. All separations of employees from positions in the classified service shall be designated as one of the following types and shall be accomplished in the manner indicated: resignation, lay-off, disability, dismissal, or death. At the time of separation and prior to final payment, all records, equipment, and other items of municipal property in the employee's custody shall be transferred to the department head. An amount due to a shortage in the

above shall be withheld from the employee's final compensation. (1972 Code, § 1-828, as amended by Ord. #1158, Feb. 2007)

4-229. Resignation. An employee may resign by submitting in writing the reasons and the effective date, to his/her department head as far in advance as possible, but a minimum of two weeks notice is requested. Unauthorized absence from work for a period of three consecutive days may be considered by the department head as a resignation. Department heads shall forward all notices or resignation to the mayor immediately upon receipt. (1972 Code, § 1-829, as amended by Ord. #891, July 2000, and Ord. #979, April 2002)

4-230. Lay-off. The governing body may lay-off any employee when they deem it necessary by reason of shortage of funds or work the abolition of a position, or other material changes in the duties or organization, or for related reasons which are outside the employee's control and which do not reflect discredit upon service of the employee. Temporary employees shall be laid off prior to probationary or regular employees. The order of lay-off shall be in reverse order to total continuous time service upon the date established for the lay-off to become effective. (1972 Code, § 1-830)

4-231. Disability. An employee may be separated for disability when unable to perform required duties because of a physical or mental impairment. Action may be initiated by the employee or the municipality, but in all cases it must be supported by medical evidence acceptable to the mayor. The municipality may require an examination at its expense and performed by a licensed physician of its choice.

An employee returning to work after sick leave, occupational disability or injury leave, may not return to full time employment when unable to perform required duties because of a continuing physical or mental impairment.

After using all accrued sick leave, occupational disability or injury leave and any accrued vacation balance which might be applied and extended as though it were sick leave, the employee must choose to request leave without pay, as allowed by § 4-225, resign as allowed by § 4-229 or be subject to separation under the first paragraph of this section. (1972 Code, § 1-831)

4-232. Disciplinary action. Whenever employee performance, attitude, work habits or personal conduct fall below a desirable level, the supervisor or the department head shall initiate the following disciplinary action.

(1) Oral warnings. One (1) more oral warnings shall be given, without penalty to the employee, but shall be documented in the employee's departmental counseling file. The supervisor or department head shall inform the employees of such lapses and shall give them counsel and assistance, and if appropriate and justified, a reasonable period of time for improvement shall be given before initiating further disciplinary action.

(2) Written reprimands. In situations where an oral warning has not resulted in the expected improvement, or when more severe initial action is warranted, the department head shall send a written reprimand to the employee, with a copy placed in the employee's personnel file.

(3) Suspension. In situations where an oral warning or written reprimand have not resulted in the expected improvement, or when more severe initial action is warranted, the department head may suspend the employee with or without pay for a period of time not to exceed three (3) days. The mayor may extend the suspension for a period of time not to exceed thirty (30) days from the initial date of suspension pending investigation of the charges against him. An employee determined to be innocent of the charges shall be returned to duty with full pay for the period of suspension. (1972 Code, § 1-832, as amended by Ord. #891, July 2000, and Ord. #979, April 2002, and replaced by Ord. #1158, Feb. 2007)

4-233. Dismissal and demotion. The mayor may dismiss or demote an employee. Reasons for dismissal or demotion may include, but shall not be limited to: misconduct, negligence, incompetency, insubordination, unauthorized absence, falsification of records, violation of any of the provision of the charter, ordinances, or these rules, or any other justified reason. If driving is a part of the employee's job duties, and his driver's license is judicially or administratively suspended, cancelled or revoked, that shall be a specific cause for dismissal.

The employee shall be furnished an advance written notice containing the nature of the proposed action, the reasons therefore, and the right to appeal the charges in writing to the governing body. This notice shall be furnished at least one calendar week prior to the proposed effective date of the action. During this period, the employee may be retained on duty status, placed on leave, or suspended with or without pay at the discretion of the mayor if the employee fails to respond to the advance notice, the proposed action shall be effective on the date specified with no need for further action.

If the employee requests a hearing on the proposed action, the governing body shall promptly set a date and time for the hearing and shall carefully consider all evidence presented before making a decision. The decision of the governing body shall be final. (1972 Code, § 1-833, as amended by Ord. #891, July 2000, and Ord. #979, April 2002)

4-234. Grievance procedure. When any grievance comes to or is directed to the attention of any department head, he/she shall discuss within two working days all relevant circumstances with the employee and remove the causes of the grievances to the extent the department head deems advisable and possesses authority. Failing resolution at this level, the grievance shall be referred to the mayor in writing for final determination in cooperation with the

appropriate departmental committee or commission. (1972 Code, § 1-834, as replaced by Ord. #891, July 2000, and amended by Ord. #979, April 2002)

4-235. Insurance--health and life. Insurance shall be provided to full-time employees. Dependent coverage may be at the option of the employee, subject to the approval of the insurance committee. For employees hired after September 1, 2013, dependent life insurance coverage, which may be available pursuant to the city's policy, shall be solely at the employee's expense. For employees hired after September 15, 2013, dependent dental insurance coverage, which may be available pursuant to the city's policy, shall be solely at the employee's expense. (1972 Code, § 1-835, as amended by Ord. #1387, Aug. 2013, and Ord. #1392, September 2013)

4-236. Retirement. Full-time employees are eligible to participate in the city retirement plan after one year of service. (1972 Code, § 1-836)

4-237. Funeral days. Employees and appointed officials of the City of Manchester who work full time for the city shall receive three (3) funeral days off upon the death of a member of the employee's immediate family, as defined in § 4-201. No advance notice of these days shall be required of the employee, but he shall immediately notify his supervisor of the reason for his absence and his expected return to work. These funeral days shall be in addition to any sick leave, vacation leave or administrative leave given to the city employee. (1972 Code, § 1-837, as amended by Ord. #1260, Feb. 2010, and Ord. #1407, Feb. 2014)

4-238. Infectious disease control program. An infectious disease control program is hereby adopted for the City of Manchester as contained in an exposure control manual of file in the office of the Finance Director of the City of Manchester, Tennessee, which is hereby adopted and incorporated by reference as a part of this code and hereafter referred to as the Manchester Infectious Disease Control Program. (1972 Code, § 1-838, as amended by Ord. #808, Jan. 1998)

4-239. [Repealed.] (1972 Code, § 1-839, as replaced by Ord. #1158, Feb. 2007)

4-240. GED tests. Any employee of the City of Manchester, Tennessee who does not have a high school diploma may take a General Equivalency Diploma test at the expense of the City of Manchester, Tennessee. (1972 Code, § 1-840)

4-241. Pay grades for full time employees. Full time employees of the City of Manchester, Tennessee shall be classified into twenty (20) pay grades with the following minimum and maximum salaries:

Finance Director . . . . . Grade 13
Police Chief . . . . . Grade 12
General Services Director . . . . . Grade 12
Fire Chief . . . . . Grade 12
Water and Sewer Director . . . . . Grade 12
Recreation Director . . . . . Grade 12
Health and Codes Director . . . . . Grade 12
Assistant Finance Director . . . . . Grade 10
Assistant General Services Director. . . . . Grade 10
Assistant Police Chief . . . . . Grade 10
Assistant Water and Sewer Director . . . . . Grade 10
Assistant Recreation Director. . . . . Grade 10
Administrative Fire Captain. . . . . Grade 9
Chaplin. . . . . Grade ___

Non-exempt employees shall be classified in these grades:

Chief WWTP Operator . . . . . Grade 9
Operations Superintendent. . . . . Grade 9
Fire Captains . . . . . Grade 9
Senior Police Investigator . . . . . Grade 9
Police Captains . . . . . Grade 9
Executive Administrative Assistant. . . . . Grade 8
Program Director. . . . . Grade 8
Office Manager II . . . . . Grade 8
Accounts Payable/Purchasing Coordinator . . . . . Grade 8
Police Investigator/Tech Director . . . . . Grade 8
Fire Department Senior Crew Chiefs. . . . . Grade 8
Police Department Investigators . . . . . Grade 8
Police Department Lieutenants . . . . . Grade 8
Police Department Sergeants . . . . . Grade 8
Assistant WWTP Operator . . . . . Grade 8
Mechanic . . . . . Grade 7
Office Manager I . . . . . Grade 7
Fire Department Crew Chiefs. . . . . Grade 7
Police Department Corporals . . . . . Grade 7
Foremen . . . . . Grade 7
Distributions Operator II . . . . . Grade 7
Tax Specialist . . . . . Grade 7
Collections/Head Meter Reader . . . . . Grade 7
Health and Codes Inspector . . . . . Grade 7
Infrastructure Specialist. . . . . Grade 7
Assistant Mechanic . . . . . Grade 6
Firefighters . . . . . Grade 6
Police Officers . . . . . Grade 6

Administrative Assistants	Grade 6
Heavy Equipment Operators	Grade 6
Lab Technician	Grade 6
Distribution Operator I	Grade 6
Recreation Maintenance Foreman	Grade 6
Police Department Clerk	Grade 6
Animal Control Officer	Grade 6
General Services Foreman	Grade 5
Accounting Clerk	Grade 5
Meter Reader	Grade 5
Light Equipment Operators	Grade 5
Laborers	Grade 4
Water and Sewer Utility Workers	Grade 4

The pay range for each grade shall be amended prior to July 1 of each year to include the cost of living raise given to city employees in the budget for the following fiscal year. (1972 Code, § 1-841, as amended by Ord. #769, Aug. 1996; Ord. #840, Nov. 1998, Ord. #860, Oct. 1999, and Ord. #1158, Feb. 2007)

4-242. Workplace harassment prohibited. Verbal or physical conduct that harasses, disrupts or interferes with an employee's work performance or which creates an intimidating, offensive or hostile work environment is not permitted. In particular, violence of any kind (including fighting, horseplay, roughhousing and vandalism), verbal harassment physical harassment and visual harassment, or the threat thereof, whether in the workplace or during work time or both, is prohibited.

Under no circumstances are any objects carried for the purposes of injury or intimidation permitted on city property, including city owned parking areas, unless locked in the employee's vehicle, and not visible from the outside, except those objects issued or sanctioned by, and carried and used within the scope of employment for, the city.

Charges of violence and harassment shall be reported to any supervisor, including any department head and the mayor. The police chief is charged with investigating all cases of workplace violence and harassment. All employees are required to assist in the course of the investigation by providing testimony, statements and evidence, as required. Failure to cooperate may result in disciplinary action.

Copies of the investigative report with recommendations for appropriate action will be turned over to the department head or mayor as appropriate for further action.

To the extent they are not in conflict herewith and to the extent they are applicable hereto, policies and procedures pertaining to complaints of, investigations of and other responses to alleged sexual harassment shall be

utilized in response to allegations of workplace violence and sexual harassment. (1972 Code, § 1-842, as replaced by Ord. #1158, Feb. 2007)

4-243. Discrimination prohibited. The City of Manchester is an equal opportunity employer and illegal discrimination will not be tolerated.

The city will not discharge or fail or refuse to hire any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment because of the individual's race, color, religion, sex, or national origin, or because the individual is forty (40) or more years of age.

The city will not discriminate against a qualified individual with a disability because of the disability in regard to job application procedures, hiring or discharge, employee compensation, job training, and other terms, conditions, and privileges of employment. (1972 Code, § 1-843, as amended by Ord. #1628, Sept. 2021 ***Ch21_07-05-22***)

4-244. Family and medical leave. Eligible employees may take up to twelve (12) week of unpaid leave during each fiscal year in compliance with the Family and Medical Leave Act (FMLA) of 1993, as more fully explained in a policy approved by the Board of Mayor and Aldermen and on file in the office of the finance director. (Ord. #831, Sept. 1998, as replaced by Ord. #1158, Feb. 2007)

4-245. Overtime and compensation time. Non-exempted employees required to work overtime shall be paid for such work at the rate of one and one-half times the regular rate of pay. Employees working on a paid legal holiday will not be paid an overtime rate unless the number of overtime hours exceeds eight (8) hours.

Non-exempted employees may be compensated, hour for hour, with future time off from work in lieu of monetary payment for overtime worked, if the compensation time is used in the same pay period after the overtime hours were worked. If compensation time is not taken during the same pay period, the employee must be compensated with overtime pay at the rate of one and one-half time the regular rate.

Any compensatory time presently accumulated by an employee must be used on or before June 30, 2003 or lost.

Exempted employees of the city are considered to be employed on a "whole job" basis and overtime compensation or compensation time are not considered due, except as approved by the finance committee. Exempt employees who require time off for personal reasons may request discretionary personal time off, to be calculated as an hour off for an hour worked. The absences must be approved by the department head, or by the mayor if the employee requesting leave is a department head.

Exempted employees are defined as the finance director and assistant finance director, the personnel officer, the police chief and assistant chief, the fire chief and assistant chief, the director of water and sewer and assistant director, the director of general services and assistant director, the director of parks and recreation and assistant director, the health and codes director, and the IS director, citizen liaison and police major in the police department. All other employees are non-exempted. (as added by Ord. #1011, Nov. 2002, amended by Ord. #1037, July 2003, Ord. #1093, March 2005, Ord. #1158, Feb. 2007, and Ord. #1407, Feb. 2014)

4-246. [Repealed.] (as added by Ord. #1026, March 2003, as repealed by Ord. #1158, Feb. 2007)

4-247. Leave donations. If an employee of the City of Manchester has suffered a serious long term illness or injury which is likely to result in the employee being absent from work for a prolonged period of time and which would result in a substantial loss of income due to the lack of annual leave, administrative leave, sick leave, occupational disability or injury leave or compensation time, that employee may submit a request for a leave donation from other employees of the City of Manchester, who may donate sick leave or annual leave under the following conditions:

(1) The employee requesting the sick leave or annual leave donation must be a full-time employee.

(2) Prior to being eligible to receive a transfer of leave from other employees, the employee must have exhausted all annual leave, administrative leave, sick leave, occupational disability or injury leave and compensation time.

(3) The employee, or a family member acting on behalf of an incapacitated employee, shall submit a request for a leave donation on forms provided by the city. The request shall include a doctor's statement explaining the nature of the illness or injury and the anticipated date for returning to work.

(4) The request for a leave donation shall be submitted to the department head, who shall review the request and make a recommendation to the mayor, who shall have final approval of the request. If approved, a memo shall be sent to all city employees requesting a leave donation.

(5) Donated sick leave is added to the donee employee's sick leave and donated annual leave is added to the donee employee's annual leave, and any donated leave not used becomes the property of the donee employee, and will not be refunded to the donor employee.

(6) The maximum number of donated leave hours any employee is permitted to receive in any consecutive three hundred sixty-five (365) day period is five hundred seventy-six (576).

(7) No employee may donate leave unless he or she has accumulated one hundred sixty-one (161) or more leave hours. An employee may not donate leave which would result in the donating employee's accumulated leave falling

below one hundred sixty (160) hours. (as added by Ord. #1104, June 2005, as amended by Ord. #1158, Feb. 2007, and Ord. #1408, Feb. 2014)

4-248. Laptop computer and removable storage device security policy. Every employee, official or any authorized person using a municipal (city-owned) laptop computer or removable storage device is responsible for protecting the confidential information stored, created, processed or transmitted via the computer or device.

(1) Laptop computers and removable storage devices. Only persons showing necessity to perform specific job-related duties shall be authorized to use municipal laptop computers and/or removable storage devices. Department heads may grant this approval after consulting with the IS department.

(2) Protection of confidential data. Every user of a laptop computer or removable storage device must use reasonable care to protect confidential data.

Protection of confidential data against physical theft or loss, electronic invasion or unintentional exposure is provided through a variety of means, including user care and technological protections. Prior to the use of confidential data via laptop computer or removable storage device, users are responsible for contacting the IS department to ensure appropriate security hardware and software are in place. The use of unprotected equipment to access or store confidential information is prohibited regardless of whether the equipment is owned or controlled by the municipality.

(3) Reporting loss or theft of equipment or data. In the event a municipally-owned or controlled laptop computer or removable storage device is lost or stolen, the theft or loss must be reported immediately to the IS department.

In the event that confidential information contained on any personally-owned computer or removable storage device is lost or stolen, the theft or loss must be reported immediately to the IS department.

In the event a municipally-owned laptop computer or removable storage lost or stolen, resulting in the unencrypted personal information of any Tennessee resident being, or reasonably believed to be breached, the municipality must disclose the breach to the affected citizens in accordance with Tennessee Code Annotated, § 47-18-2107. This notification must occur in the most expedient time possible, consistent with the legitimate needs of law enforcement. The IS director is responsible for this notification process.

The purpose of this policy is to comply with state and federal regulations governing the privacy and security of information, specifically, Tennessee Public Chapter 688, 2008.

Violation of this policy may result in disciplinary action as set forth in § 4-232 or dismissal or demotion as set forth in § 4-233 depending upon the circumstances of the violation. Any employee receiving any proposed disciplinary action, dismissal or demotion may appeal said action directly to the

board of mayor and aldermen, which may affirm, reverse or modify (increase or decrease) the disciplinary action. (as added by Ord. #1246, Oct. 2009)

4-249. Use of internet and electronic mail. (1) Policy. It is the policy of the City of Manchester that all employees having global internet access and e-mail privileges shall use such access only for official work in full compliance with this policy and the policies of the city. Each user must be aware of the risks related to internet access and e-mail which cannot be eliminated but may only be managed through the exercise of prudence and caution.

All city employees authorized to use e-mail will be assigned an official city e-mail address. All official business shall be conducted using this address. No official business shall be conducted using any other address, including but not limited to those provided by Yahoo, Gmail, Netscape, etc. In the event any other address is required to perform the functions of an employee's position, the employee may use such address after written approval from the mayor and information systems director; however, this additional address may be used only when and to the extent the employee's job functions cannot be performed using his or her official city e-mail address.

(2) Procedures. (a) Use of the internet/e-mail. Employees must be individually authorized to use the internet and/or e-mail before doing so during working hours or while using any city equipment. No employee will be so authorized by the city until the employee has signed the internet use form, however failure to sign this form shall not render this policy inapplicable to such employee.

No e-mail messages sent or received on city computers is personal or private; each is the property of the City of Manchester. E-mail messages can be copied, distributed, discovered in litigation and used in disciplinary proceedings even if deleted by the recipient. Users have no expectation of privacy as to any e-mail message at any time.

(c) Principles of acceptable internet and computer system use.

(i) Use must be for legitimate work-related purposes only.

(ii) Users shall respect the legal protections afforded by copyright and license laws for programs and data.

(iii) Use must be for legitimate work-related purposes only.

(iii) Users shall identify themselves as employees of their department and the city when sending any e-mail message via the internet.

(d) Unacceptable use of the internet, e-mail and the city's computer system.

(i) Users shall respect the integrity of the city's computing system and shall not use it for unacceptable purposes or in any unacceptable manner as described below. It is

unacceptable for a user to use, submit, publish, display or transmit on the internet or any part of the city's computer system any information which:

(A) Uses the system for any illegal purpose;

(B) Contains defamatory, false, inaccurate. abusive, obscene, pornographic, profane, sexually oriented, threatening, racially offensive or otherwise biased, discriminatory or illegal material, whether in the form of a "joke" or otherwise;

(C) Violates or infringes on the rights of any other person, including the right to privacy; or

(D) Modify files or data belonging to other users without explicit permission to do so.

(ii) No user other than the mayor or the various department directors shall have authority to subscribe to any service for which a fee is charged.

(iii) Users shall not use or develop programs that harass other users or infiltrate a computer or computing system or which seek to alter or damage the software components of a computer or computing system.

(e) Personal use. The prohibitions in this policy shall also not be construed to prohibit infrequent and brief use of the system for incidental personal matters by an employee during a meal or other personal break time. This is similar to an employee's limited ability to make a personal telephone call on personal time. For example, an employee may spend a minute or two looking at the weather radar online provided, however, in no event shall any such limited personal use include any activity otherwise prohibited by this policy, e.g., visiting a sexually explicit site.

(f) No right of privacy - monitoring. (i) Pursuant to the Electronic Communications Act of 1986, 18 U.S.C. 2510 et seq., notice is hereby given that there are no facilities provided by the city and its system for sending or receiving private or confidential electronic communications.

(ii) Electronic mail, whether sent via the internet or internally, may be a public record subject to public disclosure under the Tennessee Public Records Law and may be inspected by the public.

(g) Violation of this policy may result in disciplinary action as set forth in § 4-232 or dismissal or demotion as set forth in § 4-233 depending upon the circumstances of the violation. Any employee receiving any proposed disciplinary action, dismissal or demotion may appeal said action directly to the board of mayor and aldermen, which may affirm, reverse or modify (increase or decrease) the disciplinary action. (as added by Ord. #1245, Oct. 2009, and amended by Ord. #1341, Oct. 2012)

4-250. Use of cellular/mobile phones. (1) Purpose. The purpose of this section is to govern the use and application of City of Manchester-owned phones and associated services and devices.

(2) Authorization. Recommendation for the issuance of City of Manchester-owned mobile phones should be approved by the department head. The use of a City of Manchester-owned phone of any type is considered a privilege and may be revoked. Regular landline phones may be provided to employees as is appropriate for their position.

Both landlines and mobile phones will be assigned by need and not every employee will have a unique landline and/or mobile phone assigned to them. Each case for a phone will be reviewed individually; the location, the business requirements, safety issues and appropriateness will be taken into consideration when evaluating the need for a new phone.

(a) Business use. Any phone owned and issued by the City of Manchester shall have as its primary function, business related uses. When an employee is in travel status, he or she is encouraged to use their mobile phone, if service is available.

(b) Personal use. This policy acknowledges that from time to time, a City of Manchester-issued phone may be used for personal calls. As long as this use of the phone is incidental to its primary business use, reasonable personal calls are allowed.

If a situation occurs that warrants personal use of a City of Manchester-owned phone beyond an incidental nature, the individual shall reimburse the city, as appropriate. Should it be determined that an individual is abusing the privilege of using a City of Manchester-owned phone; the phone may be taken from the employee and/or the employee disciplined or discharged.

City employees are not allowed to use their personal phones during designated work hours unless specifically permitted by their department head. Personal calls during designated work hours may not be taken at any time when it may disrupt the employee's assigned task/work and/or may compromise the safety of the employee, other employees or the general public.

(c) Prohibited use. Phones issued by the City of Manchester shall not be used to harass or threaten any individual. Typically, city phones may not be used for personal long distance or fee services. However, in an emergency situation, the expense for any such use shall be reimbursed to the city as soon as possible. When practical, the employee must seek approval from their supervisor.

(d) Driving. The City of Manchester encourages the safe use of phones when operating any vehicle or piece of machinery. Drivers using cell phones may pull off the road into a safe area until the call is terminated. If available, handsfree devices may be used to conduct calls while driving.

(e) Meetings. Any individual using a City of Manchester mobile phone shall use good judgment in how and where the phone is used.

Phones taken into meetings shall be turned off or to vibrate. If a call if taken during a meeting, every effort should be made not to disrupt the meeting. Unless a call is specifically related to the topic of discussion, talking on the phone in a meeting is strongly discouraged.

(f) No right of privacy. All records of use of city-owned cellular/mobile phones are subject to the Tennessee Open Records Act, Tennessee Code Annotated, § 10-7-501, et. seq., subject to any exceptions applicable thereto by statute, rule or judicial decision.

(3) Phone records. Every individual City of Manchester-owned mobile phone user is responsible for checking the accuracy of the bill pertaining thereto before it is processed for payment. Discrepancies in billing data shall be resolved in a timely manner. Landline calls incurring fees shall be assigned to the appropriate departmental budget code.

If a city phone is used for personal long distance or fee services, the supervisor must be notified and the city reimbursed.

(4) Other. The nature of the technology required to support the wireless mobile telephone is rapidly evolving. Phones may have additional features such as cameras, text messaging, internet access, etc. The intent of this policy is to apply the principles enumerated herein to any such add-on or accessory feature.

(5) Recordings. Employees that use devices to record telephone conversations shall do so only in a manner consistent with the status of such applicable local, state and federal laws.

(6) Violation. Violation of this policy may result in disciplinary action as set forth in § 4-232 or dismissal or demotion as set forth in § 4-233 depending upon the circumstances of the violation. Any employee receiving any proposed disciplinary action, dismissal or demotion may appeal said action directly to the board of mayor and aldermen, which may affirm, reverse or modify (increase or decrease) the disciplinary action. (as added by Ord. #1244, Oct. 2009, and amended by Ord. #1443, Dec. 2014)

4-451. Information security policy. An information security policy is hereby adopted for the City of Manchester as contained in an Information Security Program Manual in the office of the Records Custodian of the City of Manchester, Tennessee, which is hereby adopted and incorporated by reference as part of this code and hereafter referred to as the Manchester Information Security Policy. The provisions of this policy shall govern if another portion of this code is in contradiction of the terms herein. (as added by Ord. #1694, June 2023 ***Ch23_08-06-24***)

CHAPTER 3

AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

SECTION

4-301. Complaints.
4-302. Resolution of complaint.
4-303. Appeal.
4-304. Appeal to board of mayor and alderman.
4-305. ADA compliance committee.

4-301. Complaints. All complaints regarding access or alleged discrimination under the Americans with Disabilities Act against the City of Manchester shall be filed in writing with the ADA Coordinator of the City of Manchester, Tennessee, for resolution. The complaints shall be filed on a form designated by the ADA Coordinator, and a record of the complaint shall be maintained. (1972 Code, § 1-1201)

4-302. Resolution of complaint. A decision shall be made on the complaint by the ADA Coordinator within fifteen (15) working days after a complaint has been filed in writing with the coordinator. The decision shall be in writing, and mailed to the party complaining, certified mail, return receipt requested at the address shown on the complaint. (1972 Code, § 1-1202)

4-303. Appeal. If the complaint is not resolved to the satisfaction of the complainant by the ADA Coordinator, it may be appealed to the ADA Compliance Committee on written notice to the ADA Coordinator. That appeal must be filed within ten(10) days after the date of mailing of the decision of the ADA Coordinator to the complainant and the ADA Compliance Committee shall hear such complaints in public, after adequate public notice is given in an unbiased objective manner and shall issue a written decision within thirty (30) days after the hearing. All proceedings of the committee shall be recorded, transcripted and maintained by the committee. (1972 Code, § 1-1203)

4-304. Appeal to board of mayor and aldermen. If the complaint cannot be resolved to the complainant's satisfaction by the ADA Compliance Committee, the complaint will be heard by the board of mayor and aldermen at an open, public meeting of the board, preceding the vote. The decision of the ADA Compliance Committee must be appealed to the board of mayor and aldermen within ten (10) days after the written decision of the committee. The decision of the board of mayor and aldermen is final. (1972 Code, § 1-1204)

4-305. ADA compliance committee. The ADA Compliance Committee of the City of Manchester, Tennessee is hereby created. It shall have the duties and powers described in this chapter, and shall also be charged to establish ground rules or procedures for hearing complaints, requests or suggestions from

disabled persons regarding access to and participation in public facilities, services, activities and functions in the City of Manchester, Tennessee. It shall be composed of five (5) persons appointed by the board of mayor and aldermen and their term of office shall be for five (5) years, or until their successors are appointed and qualified with one member being appointed annually, on the first Tuesday in September of each year. The committee shall be composed of an elected official, whose initial term shall expire in September, 1992, a member of the disabled community, whose initial term shall expire in September, 1993, a business person, whose initial term shall expire in September, 1994, a teacher, whose initial term shall expire in September, 1995, and a member of the health/medical profession, whose initial term shall expire in September, 1996. The members of the ADA Compliance Committee shall serve without compensation. (1972 Code, § 1-1205)

CHAPTER 4

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION

4-401. Program created.
4-402. Title.
4-403. Purpose.
4-404. Coverage.
4-405. Standards authorized.
4-406. Variances from standards authorized.
4-407. Administration.
4-408. Funding the program.
4-409. Hazardous chemicals right to know act.
4-410 – 4-415. Repealed.

4-401. Program created. There is hereby created a safety and health program for the employees of the City of Manchester. (1972 Code, § 1-1501)

4-402. Title. This chapter shall provide authority for establishing and administering the occupational safety and health program for the employees of the City of Manchester. (1972 Code, § 1-1502)

4-403. Purpose. The City of Manchester, in electing to update their established program plan will maintain an effective occupational safety and health program for its employees and shall:

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

(a) Top management commitment and employee involvement;

(b) Continually analyze the worksite to identify all hazards and potential hazards;

(c) Develop and maintain methods for preventing or controlling existing or potential hazards; and

(d) Train managers, supervisors and employees to understand and deal with worksite hazards.

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

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

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

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

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

(7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program. (1972 Code, § 1-1503, as replaced by Ord. #1033, June 2003)

4-404. Coverage. The provisions of the occupational safety and health program plan for the employees of the City of Manchester, Tennessee shall apply to all employees of each administrative department, commission, board, division or other agency of the City of Manchester, Tennessee, whether part-time or full-time, seasonal or permanent. (1972 Code, § 1-1504, as replaced by Ord. #1033, June 2003)

4-405. Standards authorized. The occupational safety and health standards adopted by the City of Manchester, Tennessee 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). (1972 Code, § 1-1505, as replaced by Ord. #1033, June 2003)

4-406. Variances from standards authorized. The City of Manchester, Tennessee may, upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development, Occupational Safety, Chapter 0800-1-2, as authorized by Tennessee Code Annotated, title 50. Prior to requesting such temporary variance, the City of Manchester, Tennessee shall notify or serve notice to employees, their designated representatives or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board in the Manchester City Hall shall be deemed sufficient notice to employees. (1972 Code, § 1-1506, as replaced by Ord. #1033, June 2003)

4-407. Administration. For the purposes of this chapter, the administrator of the Health and Codes Department of the City of Manchester, Tennessee, or at the direction of the Mayor of the City of Manchester, Tennessee, another employee of that department, is designated as the director

of occupational safety and health to perform duties and to exercise powers assigned to plan, develop and administer the Occupational Safety and Health Plan for the City of Manchester, Tennessee. The director shall develop a plan of operation for the program and said plan shall become a part of this chapter when it satisfies all applicable sections of the Tennessee Occupational Safety and Health Act of 1972 and Part IV of the Tennessee Occupational Safety and Health Plan. (1972 Code, § 1-1507, as replaced by Ord. #1033, June 2003)

4-408. Funding the program. Sufficient funds for administering and staffing the program pursuant to this chapter shall be made available as authorized by the City of Manchester, Tennessee. (1972 Code, § 1-1508, as replaced by Ord. #1033, June 2003)

4-409. Hazardous chemicals right to know act. The health and codes department is responsible for the communication and implementation of the right to know program to the employees of the City of Manchester. Instruction and annual refresher classes will be conducted within each individual department.

(1) Labels and other forms of warning. Labels and other forms of warning for each incoming hazardous chemical will be inspected for compliance with Section (f) of the standard to ensure that proper forms of warning are posted. For hazardous chemicals produced within the work areas (such as carbon monoxide and welding products), warnings must also be posted.

(a) The type of labeling system to be used by the City of Manchester will be standard adhesive backed paper labels lettered with indelible marker and covered by a clear laminate to lessen the chance of damage.

(b) The safety officer within each department is responsible for ensuring that all incoming containers are properly labeled from the factory or are labeled upon arrival at the department.

(c) Each employee is responsible for reporting unlabeled containers to their immediate supervisor who should notify the safety officer or the department head.

(d) Areas such as shops, repair buildings and warehouses shall be labeled with such signage as to warn both employees and the public at large who may enter those spaces.

(2) Safety data sheets (SDS). SDS for each hazardous chemical to which employees are or may be exposed will be obtained and made readily available according to the requirements of Section (g) of the standard. For new chemicals, SDS's will be made available by the manufacturer or distributor prior to use. For hazardous chemicals produced internally (such as carbon monoxide and welding fumes), a readily available SDS may be used or developed to satisfy the physical and health hazard communication requirements.

(3) Employee information and training. Information and training will be provided as required by section (h) to all employees at the time of initial assignment for existing hazards, whenever a new hazard is introduced into their

work area, and when new information about the hazards of a chemical is found. Additionally, the HCRTK Law requires annual refresher training. Required information will be obtained from sources which include those listed in Appendices B and C of the standard.

(a) Employees will be trained to verbally recall fundamental health and physical hazards associated with the specific chemicals to which they are exposed.

(b) The trainers are the designated safety officers and instructors within each individual department as assigned by the department head.

(c) The training will utilize videotape, photocopy handouts and lectures with opportunities for questions and answer by employees. Should the trainers find that these methods are lacking, assistance may be obtained from other sources including the Health and Codes Department of the City of Manchester.

(4) Hazardous chemicals list. An inventory worksheet must be completed by all departments and a copy submitted to the fire chief and one to the health and codes director. TOSHA requires that this list be updated annually and submitted to the same offices. This update will be completed during the month of January and submitted to the fire chief and the health and codes director not later than the second week of February.

(5) Methods used to inform employees of the hazards of non-routine tasks. Employees involved in non-routine tasks (such as cleaning tanks and tank maintenance) will be informed of the hazards involved and trained at specific sessions prior to undertaking such tasks to ensure awareness of required information. These employees shall be trained in the need for requirements of lock-out tag-out procedures, air quality monitoring and any other specialized hazard that might be encountered during their assigned task.

(6) Multi-employer activity. Other employers who have employees in city facilities who may be exposed to hazardous chemicals or physical hazards will be provided access to the written hazard communications program. They will be shown the SDS's for the chemicals which they may be exposed to and will be informed of any precautionary measures such as signs and/or procedures necessary to protect them during normal operating conditions or in the event of foreseeable emergencies. The labeling system used by the City of Manchester will be explained to them.

City employees who work in other work sites must be afforded the same requirements as in the preceding paragraph before beginning work.

All contractors working for any department within the city shall be subject to the rules and regulations set forth in this section. (as added by Ord. #857, Oct. 1999, renumbered by Ord. #1033, June 2003, and amended by Ord. #1412, March 2014)

4-410 – 4-414. Repealed. (as repealed by Ord. #1033, June 2003)

CHAPTER 5

TRAVEL REIMBURSEMENT REGULATIONS

SECTION

4-501. Authorized traveler defined.
4-502. Reimbursable expenditures.
4-503. Payment of expenses.
4-504. Documentation.
4-505. Unauthorized expenses.
4-506. Administrative procedures.

4-501. Authorized traveler defined. The term "traveler" or "authorized traveler" means any elected or appointed municipal officer or employee including members of municipal boards and committees appointed by the mayor or the municipal governing body and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this chapter. "Authorized traveler" shall not include the spouse, children, other relatives, friends or companions accompanying the authorized traveler on city business unless the person otherwise qualifies as an authorized traveler under this chapter. (1972 Code, § 1-2001)

4-502. Reimbursable expenditures. Authorized travelers are entitled to reimbursement of certain expenditures incurred while traveling on official business for the city. Reimbursable expenses shall include expenses for transportation, lodging, meals, registration fees for conferences, conventions and seminars, and other actual and necessary expenses related to the official business of the city. Under certain conditions, entertainment expenses may be eligible for reimbursement. (1972 Code, § 1-2002)

4-503. Payment of expenses. Authorized travelers can request either a travel advance for the projected costs of authorized travel or advance billing directly to the city for registration fees, air fares, meals, lodging, conferences and similar expenses. A travel advance is not considered documentation of travel expenses. If travel advances exceed documented expenses, the traveler must immediately reimburse the city. Travel advances are available only after completion and approval of the travel authorization form and a travel expense reimbursement form should be used to document all expense claims. A travel expense must be directly related to the conduct of the city business for which travel was authorized and actual, reasonable and necessary under the circumstances, and must have the written approval of the mayor and

department head. (1972 Code, § 1-2003, as amended by Ord. #893, July 2000, and Ord. #987, May 2002)

4-504. Documentation. Claims of $5.00 or more for travel expense reimbursement must be supported by the original paid receipt for lodging, vehicle rental, phone calls, public carrier travel, conference fees and other reimbursable costs. Authorized travelers shall be reimbursed according to the federal travel regulation rates. The city's travel reimbursement rates will automatically change as the federal rates are adjusted. The city may pay directly to the provider for expenses such as meals, lodging and registration fees for conferences, conventions, seminars and other education programs. (1972 Code, § 1-2004)

4-505. Unauthorized expenses. Mileage and motel expenses incurred within the city are not eligible expenses for reimbursement under this chapter. (1972 Code, § 1-2005)

4-506. Administrative procedure. The administrative procedures submitted by the Municipal Technical Advisory Service to, and approved by letter by the Comptroller of the Treasury of the State of Tennessee in June, 1993 are adopted and incorporated by reference as if fully set out herein as the administrative procedures of the City of Manchester, Tennessee and a copy of those procedures will remain on file at the office of the finance director. (1972 Code, § 1-2006, as amended by Ord. #808, Jan. 1998)

CHAPTER 6

VEHICLE USE POLICY

SECTION

4-601. City-owned vehicles to be used only for city purposes.
4-602. City vehicles not to be taken outside the city.
4-603. Employees authorized to drive vehicles home.
4-604. Exemptions.
4-605. City-owned vehicles to be marked.
4-606. Penalties for violation of the vehicle use policy.

4-601. City-owned vehicles to be used only for city purposes. Only city employees engaged in their regularly assigned city duties or in the transportation of city personnel and/or material and supplies used to carry out the functions and operations of the departments of the city, and for which the immediate use of a vehicle is actually necessary or convenient, shall drive or ride in a city-owned vehicle with the following exceptions:

(1) In emergencies where the city employee has a reasonable belief, based on a totality of circumstances, that the life, safety, health, or physical welfare of a citizen would be immediately threatened without the security and/or transportation of the city-owned vehicle could provide him or her. Examples of such emergencies include, but are not limited to, accidents involving personal injury, acute illness, and actual and potential victims of crime and violence.

(2) In motorist/passenger assistance where there is no immediate emergency but, under a totality of circumstances, the city employee has a reasonable belief that the failure to transport the motorist and/or passengers in a city-owned vehicle could result in such persons being left in real or potentially real danger, or would result in extreme inconvenience to them. The use of a city-owned vehicle in such cases shall be limited to transporting motorists and their passengers only to those places where they are reasonably safe, and have a reasonable opportunity to obtain continued help without further conveyance in the city-owned vehicle.

(3) When it is necessary for reasons of inclement weather, late hour, lack of transportation or other reasonable cause, to transport non-city personnel to and from city-owned property, and to repair, supply and similar facilities, so that such personnel can install, repair or maintain city equipment essential to the continuation or restoration of public services essential to the safety, health, and welfare of the citizens of the city.

(4) In the transportation of federal, state, and local officers and employees, and news media, private consultants, business persons and other private persons visiting the city for the purpose of directly analyzing, reviewing, supporting, assisting or promoting the city's functions and operations.

(5) When the vehicle is being driven to or picked-up from private maintenance or repair facilities, and while it is being "roadtested" while in the possession of such facilities.

(6) An employee on duty for twenty-four (24) hours may use a city owned vehicle to get meals inside the city limits with the permission of the department head.

(7) Notwithstanding any other provision of this title, a police officer may take his/her assigned vehicle (whether marked or unmarked) to his/her residence when on or off duty, as long as it is no farther than fifteen (15) miles from the closest city limits boundary by roadway. (1972 Code, § 1-2201, as amended by Ord. #1693, June 2023 ***Ch23_08-06-24***)

4-602. <u>City vehicles not to be taken outside the city</u>. City-owned vehicles under the vehicle use policy and its exceptions shall not ordinarily be taken outside the City of Manchester, Tennessee except with the permission of the department head or their designee and to the extent that such exceptions are for a legitimate, necessary city business. In addition, traveling a reasonable distance outside the city limits by city employees under the exceptions contained in § 4-601 prohibiting them from transporting non-city employees in city-owned vehicles is authorized. Reports of such travel shall be made to the employee's department head the first working day following such travel. The report shall include the purpose, duration and distance of the travel outside the city and any other information the department head requires to make a determination that travel conformed to this policy. The department head shall keep a permanent file of such reports. (1972 Code, § 1-2202)

4-603. <u>Employees authorized to drive vehicles home</u>. With the approval of the department head, the following city employees may drive a city-owned vehicle to and from their residence:

(1) Patrolmen and supervisors in the police department.

(2) One water and sewer department employee who is "on call" overnight.

(3) One street department employee who is "on call" overnight.

(4) The animal control officer whose duties include leaving home and proceeding directly to capture an animal.

(5) The Director of the Manchester Water and Sewer Department, for purposes of going to and from work and bona fide city business. (1972 Code, § 1-2203, as amended by Ord. #1705, Nov. 2023 ***Ch23_08-06-24***)

4-604. <u>Exemptions</u>. The city administrator, chief of the police department, the Manchester Fire Chief, the police canine officer, and the police investigators shall be exempt from the provisions of § 4-603 and are allowed to take their city-owned vehicles outside the city for purposes of going to and from

work and bona fide city business. (1972 Code, § 1-2204, as amended by Ord. #894, July 2000)

4-605. City-owned vehicles to be marked. All city-owned vehicles shall visibly show the words "City of Manchester" and the department operating the vehicle unless in the discretion of the department head, with the approval of the appropriate committee, it is determined for security reasons the vehicle should be unmarked. (1972 Code, § 1-2205)

4-606. Penalties for violation of the vehicle use policy. Employees of the City of Manchester who violate this chapter shall be disciplined in accordance with § 4-232 of the Manchester Municipal Code. (1972 Code, § 1-2206)

CHAPTER 7

PARTICIPATION IN THE TENNESSEE CONSOLIDATED RETIREMENT SYSTEM

SECTION

4-701. Authorization to participate.

4-701. Authorization to participate. The City of Manchester, Tennessee hereby authorizes all its full time employees in all its departments or instrumentalities to become eligible to participate in the Tennessee Consolidated Retirement System subject to approval by the Board of Trustees pursuant to Tennessee Code Annotated, title 8, chapter 35, part 2. It is further understood that pursuant to Tennessee Code Annotated, § 8-35-111, no employee of said political subdivision covered by this resolution shall have multiple memberships in any retirement program or programs financed from public funds whereby such employee obtains or accrues pensions or retirement benefits based upon the same compensation and for the same years of service to said political subdivision. (as added by Ord. #1226, April 2009)

CHAPTER 8

SOCIAL MEDIA POLICY

SECTION

4-801. Purpose and applicability.
4-802. Policy.
4-803. Procedures for city-owned or created social media.
4-804. Personal use and non-city social media sites.
4-805. Exclusions.

4-801. Purpose and applicability. (1) The City of Manchester endorses the secure use of social media to enhance communication, collaboration, and information exchange; streamline processes; and foster productivity. This policy establishes the city's position on the utility and management of social media and provides guidance on its management, administration, and oversight.

(2) This policy applies to every employee, whether part-time or full-time, currently employed by the city in any capacity who posts any material, whether written, audio, video, or otherwise on any website, blog, or social media network. This includes, but is not limited to blogs, Facebook, Twitter, Flickr, YouTube, Google+, Linkedin, Wikipedia, Reddit, Digg, etc. (as added by Ord. #1444, Dec. 2014)

4-802. Policy. The city recognizes that social media provides a new and potentially valuable means of assisting the administration, individual departments, and personnel in meeting community outreach and promotion objectives, project and event updates, and problem-solving and investigative related objectives. This policy identifies potential uses that may be explored or expanded upon as deemed reasonable by administrative and supervisory personnel. The city also recognizes the role that these tools play in the personal lives of much of the personnel. The personal use of social media can have a bearing on departmental personnel in their official capacity. As such, this policy provides information of a precautionary measure as well as prohibitions on its use by city employees.

Employees have an affirmative duty to report to a supervisor or director any conduct that violates this policy.

Any employee who violates this policy shall be subject to discipline, up to and including termination. (as added by Ord. #1444, Dec. 2014)

4-803. Procedures for city-owned or created social media. (1) The city maintains an online presence. An employee may not characterize him or herself as representing the city, directly or indirectly, in any online posting

unless pursuant to a written policy of the city or the direction of a city director or official.

(2) All social media pages directly or indirectly representing to be an official statement of the city must be created pursuant to this policy and be approved by the director of information systems and the board of mayor and aldermen.

(3) The city's official, primary and predominant internet presence shall remain www.cityofmanchestertn.com and no other web, blog or social media page shall characterize itself as such.

(4) Where possible, social media pages shall clearly indicate they are maintained by the City of Manchester and shall have city contact information displayed.

(5) Where possible, social media pages shall state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the city or its departments.

(6) A social media page is subject to Tennessee's Public Records Act (Tennessee Code Annotated, § 10-7-101, et seq.) and Open Meetings Act (Tennessee Code Annotated, § 8-44-101, et seq.) and no social media page shall be used to circumvent or otherwise in violation of these laws. All information posted on a social media page shall be a public record and subject to public inspection. All lawful records requests for information contained on a social media page shall be fulfilled by the director of information systems and any employee whose assistance is necessitated. Every social media page shall contain a clear and conspicuous statement referencing the aforementioned state laws. All official postings on a social media page shall be preserved in accordance with the city's records retention schedule.

(7) The purpose of a social media page is to serve as a mechanism for communication between the city and its constituents and all postings are subject to review and deletion by the city. The following content is not allowed and will be immediately removed and may subject the poster to banishment from all city social media pages:

(a) Comments not topically related to the particular social medium article being commented upon;

(b) Comments in support of or opposition to political campaigns or ballot measures;

(c) Derogatory or false statements;

(d) Profane language or content;

(e) Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;

(f) Sexual content or links to sexual content;

(g) Solicitations of commerce;

(h) Conduct or encouragement of illegal activity;

(i) Information that may tend to compromise the safety or security of the public or public systems; or

(j) Content that violates a legal ownership interest of any other party.

(8) Department-sanctioned presence. (a) Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the department's presence.

(b) Where possible, each social media page should link to the city's official website.

(c) When deemed appropriate by the director of information systems, department-sanctioned social media pages shall feed updates into the city's official website.

(d) The director of each department is responsible for the approval and the content and upkeep of any department-sanctioned social media page created pursuant to this policy.

(e) The director of each department will consult and obtain approval from the director of information systems and the board of mayor and alderman prior to any new social media page or device implementation.

(f) The director of information systems will maintain a list of social media applications that are approved for use by city departments and staff as well as login and password information.

(g) Department staff representing a city department via social media outlets shall do the following:

(i) Conduct themselves at all times as representatives of the department and, accordingly, shall adhere to all department standards of conduct and observe conventionally accepted protocols and proper decorum.

(ii) Identify themselves as a member of the department.

(iii) Not violate any City of Manchester policies.

(iv) Not conduct political activities or private business.

(v) Not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos related to personnel, emergency situations or work assignments with personally identifiable information of victims.

(vi) Always post a disclaimer, in the case of photographs of arrested suspects, that suspects in the post are innocent until proven guilty.

(vii) Employees shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

(9) Use of city-owned devices and/or tools for unofficial, non-city social media use is prohibited. It should be noted that use of city owned devices or tools is subject to the Tennessee Open Records Act and the Tennessee Open Meetings Act. (as added by Ord. #1444, Dec. 2014)

4-804. <u>Personal use and non-city social media sites</u>. (1) An employee may not characterize him or herself as representing the city, directly or indirectly in an online posting unless pursuant to a written policy of the city or the direction of a department supervisor.

(2) The use of a city e-mail address, job title, official city seal or logo shall be deemed an attempt to represent the city in an official capacity.

(3) Any postings on a non-city social media site made in an official capacity shall be subject to the Tennessee Open Records Act and the Tennessee Open Meetings Act.

(4) Any use of a city-owned device or tool for social media purposes shall be subject to the Tennessee Open Records Act and the Tennessee Open Meetings Act.

(5) An employee or official posting on a social media page shall not disclose any confidential information in any posting.

(6) When posting in a non-official capacity an employee or official shall not identify himself or herself as an official or employee of the city. When the identity of an employee or official posting on a non-city social media site is apparent, the employee or official shall clearly state that he or she is posting in a private capacity.

(7) As public employees, department personnel are cautioned that speech on- or off-duty, made pursuant to their official duties-that is, that owes its existence to the employee's professional duties and responsibilities-is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the city and/or the department. City personnel should assume that their speech and related activity on social media pages will reflect upon the City of Manchester and their department. (as added by Ord. #1444, Dec. 2014)

4-805. <u>Exclusions</u>. Nothing in this policy shall apply to law enforcement use to detect, prevent or prosecute criminal activity. (as added by Ord. #1444, Dec. 2014)

TITLE 5

MUNICIPAL FINANCE AND TAXATION[1]

CHAPTER

1. MISCELLANEOUS.
2. REAL PROPERTY TAXES.
3. PRIVILEGE AND BUSINESS TAXES GENERALLY
4. WHOLESALE BEER TAX.
5. HOTEL/MOTEL TAX.
6. CITY SALES TAX.
7. BID POLICY FOR PURCHASES OR CONTRACTS ENTERED INTO BY THE CITY.
8. PROCEDURES FOR APPROPRIATING AND DISBURSING MUNICIPAL FUNDS TO NONPROFIT ORGANIZATIONS.
9. CITY CEMETERY.
10. ENTERTAINMENT EVENT TAX.

CHAPTER 1

MISCELLANEOUS

SECTION

5-101. Official depository for city funds.
5-102. Credit or debit card payments of public taxes, license fees, etc.

5-101. Official depository for city funds. The First National Bank of Manchester, Tennessee, is hereby designated as the official depository for all city funds. (1972 Code, § 6-801)

5-102. Credit or debit card payments of public taxes, license fees, etc. (1) The City of Manchester and any and all of its departments accept credit card and debit card payments for any taxes, licenses, fine, fee or other money due the city.

(2) Added to each payment so made is a processing fee equal to the amount paid to the city's third-party processor, not to exceed five percent (5%).

(3) A service charge of thirty dollars ($30.00) shall be imposed on any transaction that is not honored by the credit card company issuing the card or entity upon which the funds are drawn unless the card and cardholder are present and the declination is communicated to the officer at the time the transaction is processed.

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[1]Charter reference: § 7.

(4) Any notice to the person owing the tax, fine, fee or other money state the percentage or amount of the processing fee.

(5) All arrangements for acceptance of credit or debit cards be made through the finance director.

(6) The mayor and finance director are authorized to execute any agreements to effect the intent of this section. (as added by Ord. #1469, Sept. 2015)

CHAPTER 2

REAL PROPERTY TAXES

SECTION

5-201. When due and payable.
5-202. When delinquent--penalty and interest.
5-203. Partial payments.

5-201. When due and payable.[1] Taxes levied by the city against real property shall become due and payable annually on the first Monday of October of the year for which levied as prescribed by the charter. (1972 Code, § 6-101)

5-202. When delinquent--penalty and interest.[2] All real property taxes shall become delinquent on and after the first day of March next after they become due and payable and shall thereupon be subject to such penalty and interest as is authorized and prescribed by the state law for delinquent county real property taxes.[3] (1972 Code, § 6-102)

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[1]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.

[2]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.

[3]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.

5-203. Partial payments. (1) The city shall accept partial payments of annual real property taxes beginning on the first Monday of October 2019. Notwithstanding the following schedule, the entire amount of taxes due for each calendar tax year must be paid in full prior to the first day of March of the following calendar year;

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

(a) Increments of no more than four (4) payments of tax due or fifty dollars ($50.00), whichever is greater and

(b) Only taxes which have not yet become delinquent may be paid by partial payments. Such taxes may be paid in up to four (4) installments. No installment may be less than fifty dollars ($50.00). No installment shall be accepted resulting in the remaining tax due being less than fifty dollars ($50.00).

(3) Notwithstanding the schedule in subsection (2); no penalties, fines, interest or other fees shall be assessed against the taxpayer except as provided by § 5-202; and

(4) Prior to the final reading of this ordinance creating this section; the finance director shall transmit to the state comptroller of the treasury a copy of this ordinance, which shall serve as the plan required by Tennessee Code Annotated, § 6-56-152(b).[1] To fulfill the requirements of that section, the city hereby declares that:

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

(b) The city can implement this program with existing resources. (as added by Ord. #1576, July 2019 ***Ch21_07-05-22***)

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[1]State law reference

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

CHAPTER 3

PRIVILEGE AND BUSINESS TAXES GENERALLY

SECTION

5-301. Tax levied.
5-302. License required.
5-303. Finance director's fee.

5-301. Tax levied. Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by state laws. 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 in Manchester, Tennessee, at the rates and in the manner prescribed by the said act. Provided, however, that all other persons described or enumerated in classification 4 of § 5 of the "Business Tax Act," other than persons engaged in the business of constructing roads, shall pay a minimum tax of $15.00 per annum. The proceeds of the taxes herein levied shall accrue to the general fund. (1972 Code, § 6-301)

5-302. License required. No person shall exercise any such privilege within the city without a currently effective privilege license, which shall be issued by the finance director to each applicant therefor upon the applicant's compliance with all regulatory provisions in this code and payment of the appropriate privilege or business tax. (1972 Code, § 6-302, as amended by Ord. #808, Jan. 1998)

5-303. Finance director's fee. The finance director is entitled to demand and receive a five dollar ($5.00) fee for issuing the license and collecting and recording amounts received from the business tax. (1972 Code, § 6-303, as amended by Ord. #808, Jan. 1998)

CHAPTER 4

WHOLESALE BEER TAX

SECTION

5-401. To be collected.

5-401. To be collected. The finance director is hereby directed to take appropriate action to assure payment to the city of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.[1] (1972 Code, § 6-401, as amended by Ord. #808, Jan. 1998)

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[1]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 5

HOTEL/MOTEL TAX

SECTION

5-501. Tax levied.
5-502. Method of collection.
5-503. Distribution of proceeds.

5-501. Tax levied. Except as otherwise specifically provided in this code, there is levied a privilege tax upon the privilege of occupancy in any hotel of each transient in the amount of six percent (6%) of the consideration charged by the operator. (1972 Code, § 6-201, as amended by Ord. #934, June 2001)

5-502. Method of collection. Such tax is a privilege tax upon the transient occupying such room and is to be collected as provided by Priv. Acts 1981, ch. 52, as contained in the charter of the City of Manchester, Tennessee. (1972 Code, § 6-202)

5-503. Distribution of proceeds. One-sixth of the proceeds derived from said tax shall be collected by the finance director and placed in the general fund of the city, to be expended as directed by the board of mayor and aldermen. The remaining five-sixths of the proceeds collected shall be distributed as follows: One-half of the remaining five-sixths of the proceeds derived from such tax shall be collected by the finance director and placed in a separate account or accounts and two-thirds of those proceeds shall be expended on recreation in such ways and manners as the board of mayor and aldermen may decide by resolution or ordinance and the remaining one-third of those proceeds shall be expended on tourism. The remaining one-half of the remaining five-sixths of the proceeds of such tax shall be placed in the general fund, to be expended on capital equipment or capital improvements in such ways and manners as the board of mayor and alderman may decide by ordinance. (1972 Code, § 6-203, as amended by Ord. #808, Jan. 1998, and replaced by Ord. #934, June 2001)

CHAPTER 6

CITY SALES TAX[1]

SECTION

5-601. Tax levied.
5-602. When collection to begin.
5-603. State to collect.
5-604. Contract with state authorized.
5-605. Resolution to be furnished to state and published.

5-601. Tax levied. The resolution of the Board of Mayor and Aldermen of the City of Manchester, Tennessee, imposing a local sales and use tax as authorized under the provisions of Tennessee Code Annotated, § 67-6-701, adopted by the Board of Mayor and Aldermen of the City of Manchester at a regular meeting of the board of mayor and aldermen of record in Resolution Book, page ___, is amended to levy a local sales and use tax at a rate of one-half of the state rate, as provided in the Retailers' Sales Tax Act under TCA, title 67, chapter 6, as the same may be amended and authorized, and to increase the maximum tax on the sale or use of any single item to the bases provided in the first paragraph of Acts 1983, ch. 278, and any future increases in the base beginning on the dates specified in that paragraph. (1972 Code, § 6-501)

5-602. When collection to begin. If a majority of those voting in the election[2] required by TCA, § 67-6-706, vote for the increase in the tax imposed by this resolution, collection of the increased tax levied by this resolution shall begin on the first day of the month occurring 30 or more days after the county election commission makes its official canvass of the election returns. (1972 Code, § 6-502)

5-603. State to collect. The Department of Revenue of the State of Tennessee shall collect the additional tax imposed by this resolution concurrent

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[1]This chapter is taken from the resolution adopted by the board of mayor and aldermen April 7, 1970, and added to the ordinance book as "Ordinance #256."

The Chancery Court of Coffee County, Tennessee, in an opinion dated August 31, 1970, held that the resolution "did in fact levy a ½ cent city sales tax for the City of Manchester" over and above the 1¢ levy already enacted by Coffee County. The opinion was rendered in the case of Nina Moffitt, Recorder of the City of Manchester v. The City of Manchester, et. al., docket No. 670.

[2]The tax was approved at an election held May 2, 1970.

with the collection of the state tax and the local tax now being collected for the City of Manchester, in accordance with rules and regulations promulgated by the said department. (1972 Code, § 6-503)

5-604. Contract with state authorized. The mayor and finance director are hereby authorized to contract with the department of revenue for the collection of the additional tax imposed by this resolution, and to provide in said contract that the department may deduct form the tax collected a reasonable amount or percentage to cover the expense of the administration and collection of said tax. (1972 Code, § 6-504, as amended by Ord. #808, Jan. 1998)

5-605. Resolution to be furnished to state and published. A copy of this resolution shall be transmitted to the said department of revenue and shall be published one time in a newspaper of general circulation in Manchester, Coffee County, Tennessee, prior to the election called for in § 5-602. (1972 Code, § 6-505)

CHAPTER 7

BID POLICY FOR PURCHASES OR CONTRACTS ENTERED INTO BY THE CITY

SECTION

5-701. Definitions.
5-702. Local vendor purchasing preference.
5-703. Purchasing authority.
5-704. Exceptions to standard purchasing procedures.
5-705. Bid withdrawal, bid revision and bid rejection.
5-706. Protested bids
5-707. Tie binds.
5-708. Split invoices.
5-709. Purchases from the sales to city officials and employees.
5-710. Prohibited transactions.
5-711. Record keeping.
5-712. Requisition.
5-713. Notice inviting sealed proposals.
5-714. Contract-out vs. in-house.
5-715. Purchase order.
5-716. Credit card purchase.
5-717. Petty cash.
5-718. Amendment to purchase order.
5-719. Receiving of goods/equipment.
5-720. Disposal of surplus property.
5-721. Performance guarantee.
5-722. Labor and materials guarantee.
5-723. Public liability insurance.
5-724. Property damage insurance.
5-725. Worker's compensation insurance.
5-726. Cybersecurity and bid policy.

5-701. Definitions. For the purpose of implementing this chapter, the following definitions shall apply.

(1) "Quote" - Verbal or written promise from the vendor/contractor guaranteeing the cost of specific goods, supplies, or services.

(2) "Bid" - Written offer, more formal than a quote, to furnish supplies, equipment, vehicles, services in conformity with the specifications, delivery terms, and conditions required at a guaranteed maximum cost.

(3) "Lowest responsible bidder" - A bidder who, in addition to lowest price, is financially responsible and possesses the resources, judgment, skills, ability, capacity, and integrity necessary to perform the contract according to its terms.

(4) "Continuing performance" - A continuing activity or service which extends over a period of time not involving solely the delivery of goods or materials.

(5) "Professional services" - Professional or specialized services such as, but not limited to, those rendered by architects, attorneys, engineers, technicians, etc.

(6) "Public works project" - Specific, planned undertaking for the creation, improvement and/or repair of buildings and works, including parks; for the construction and installation of streets and sewers; for the general benefit of the citizenry (e.g., street lights, drains, etc.).

(7) "Materials" - Basic ingredients in a relatively raw, unrefined, or unmanufactured state that may be worked into a more finished form (e.g., sand, wood, asphalt).

(8) "Supplies" - Goods in a manufactured state kept in the ordinary course of business for regular use or consumption (e.g., pencils, light bulbs, street signs). (Ord. #754, Jan. 1996, as replaced by Ord. #899, Sept. 2000, and Ord. #1055, April 2004)

5-702. Local vendor purchasing preference. Local preference is the practice of procurement from certain suppliers/contractors because they are also local taxpayers. Local preference is desirable because it stimulates the local economy. All orders/contracts are awarded on the basis of quality, previous performance, ability to meet the contract requirements, availability of service and parts, delivery schedule, and payment terms/discounts. When all these factors are equal except price, a preference will be given to local vendors equal to 2% of the quoted price when general government monies are used. The rationale is that 2% of the sales tax returns to the city general fund as revenue, effectively reducing the cost. (1972 Code, § 1-1902, as amended by Ord. #808, Jan. 1998, Ord. #870, Feb. 2000, and Ord. #989, June 2002, and replaced by Ord. #1055, April 2004)

5-703. Purchasing authority. There are four levels of authority for normal purchases: departmental award, mayor award, committee award, and board of mayor and aldermen award. Generally, authority is established by the dollar amount of the purchase.

Except as permitted by § 5-704 regarding "Exceptions," a formal purchase order, approved by the requesting department head and the mayor, is required for all purchases where any single item exceeds $1,499.

For purchases where no single item exceeds $1,499, a formal purchase order is not required. However, purchase orders may be issued regardless of amount when required by the vendor, or when the complexity of the contract demands a formal document for clarity.

(1) Department award: Up to $1,499. The department head or authorized representative may authorize the purchase of supplies, equipment,

or services as needed for his/her area of responsibility for purchases up to $1,499.

(2) Mayor award: $1,500 to $9,999. Purchases of $1,500 to $9,999 must be approved by the mayor prior to issuance of a purchase order number.

When seeking goods or services exceeding $1,499, and specific to the department's operation, the department completes the purchase requisition form and submits it, including specifications, three quotes from available vendors and other supporting data, to the finance department for review. Upon approval of the mayor, a purchase order will be issued. Goods and services needed for general government or functions shall be processed by the finance director or his designee.

(3) Committee award: $10,000 to $34,999. The committee award procedure shall be utilized for all purchases, contracts, or agreements of more than $9,999, and up to $34,999 as follows:

When seeking goods or services exceeding $9,999 the department completes the purchase requisition form and submits it, including specifications to the finance department for review prior to the issuance of a notice inviting sealed proposals. Upon approval, the notice inviting sealed proposals will be prepared by the finance department for publication.

All formal bid opening dates will be at a time, date, and location specified in the notice inviting sealed proposals. The finance director, or a designee, will publicly open and declare the content of bids received at the time and place specified in the notice inviting sealed proposals. Bid results will be made available to all interested parties as soon as possible following the bid reading. The department head of the initiating department shall report the results of the bidding to the committee, commission or board along with recommendations regarding results and award. The committee, commission or board will declare the outcome of bids at public session. Upon approval of the committee, commission or board a purchase order will be issued. It is the board of mayor and aldermen policy to require a minimum of two bids however, if only one bid is obtained, the initiating department shall consult with the finance director and may exercise the option to extend the bid period up to 30 days, without opening the submitted bid, to allow for additional bids. If the determination is made to open the sole original bid, or if no additional bids are received during the bid extension, the oversight committee may;

(a) Re-advertise;

(b) Order the work done by city employees;

(c) Award the contract to the sole bidder based on a cost analysis evidencing the relationship of the one bid to expected market price;

(d) Negotiate a contract to the best advantage of the city.

(4) Board of mayor and aldermen award: Over $35,000. The board of mayor and aldermen award procedure shall be utilized for all purchases, contracts, or agreements of more than $35,000 as follows:

When seeking goods or services exceeding $35,000 the department completes the purchase requisition form and submits it, including specifications to the finance department for review prior to the issuance of a notice inviting sealed proposals. Upon approval, the notice inviting sealed proposals will be prepared by the finance department for publication.

All formal bid opening dates will be at a time, date, and location specified in the notice inviting sealed proposals. The finance director, or a designee, will publicly open and declare the content of bids received at the time and place specified in the notice inviting sealed proposals. Bid results will be made available to all interested parties as soon as possible following the bid reading. The department head of the initiating department shall report the results of the bidding to the committee, commission or board along with recommendations regarding results and award. The committee, commission or board will recommend to the board of mayor and aldermen the recommended bid and a resolution will be forwarded to the board of mayor and aldermen for consideration. Upon approval of the resolution by the board of mayor and aldermen, a purchase order will be issued.

It is the policy of the board of mayor and aldermen for a minimum of two bids however, if only one bid is obtained, the initiating department shall consult with the finance director and may exercise the option to extend the bid period up to 30 days, without opening the submitted bid, to allow for additional bids. If the determination is made to open the sole original bid, or if no additional bids are received during the bid extension, the committee, commission or board may;

(a) Re-advertise;

(b) Order the work done by city employees;

(c) Award the contract to the sole bidder based on a cost analysis evidencing the relationship of the one bid to expected market price;

(d) Negotiate a contract to the best advantage of the city.

(5) In addition to the requirements set forth in subsections (1), (2) and (3), all proposed purchases of information technology equipment and/or software, including but not limited to, computers, servers, routers, computer-related equipment, computer-related services, radios and radio equipment, cameras, copiers, printers, electronic devices, phone systems, cellular phones, televisions, video equipment, video monitors and all similar equipment, must be approved by the IS director before purchase under subsection (1); obtaining quotes under subsection (2) and/or and submission to the finance department for review prior to the issuance of a notice inviting sealed proposals under subsection (3).

Proposed purchases falling under code § 5-703(4) shall be submitted to the IS director for review prior to submission to the finance department for review prior to the issuance of notice inviting sealed proposals. (1972 Code, § 1-1903, as amended by Ord. #808, Jan. 1996, replaced by Ord. #1055, April 2004, and

amended by Ord. #1339, Oct. 2012, Ord. #1540, Aug. 2017, and Ord. #1701, Oct. 2023 ***Ch23_08-06-24***)

5-704. Exceptions to standard purchasing procedures.

(1) Emergency conditions. An emergency is defined as a breakdown in machinery or equipment resulting in the interruption of an essential service, or a distinct threat to public health, safety, or welfare. In the case of an emergency requiring the immediate purchase of supplies, materials, equipment or contractual services, the mayor may authorize the department head or his designee to secure in the open market, at the lowest obtainable price, any supplies, materials, equipment, or contractual services required, regardless of the amount of the expenditure.

During an emergency condition, the user department may purchase any supplies, materials, equipment, or contractual services. This may be done only after the department head has concluded that the purchase is essential to prevent delays which may affect the life, health, or safety of citizens. The head of the user department shall, as soon as possible, provide a completed purchase requisition to the finance director or his designee, as well as a full written explanation of the circumstances. Upon approval a purchase order will be issued.

In the case of a disaster or for civil defense, nothing contained in this document shall limit the authority of the mayor to make purchases and take such other emergency steps as are, or may be, authorized by the board of mayor and aldermen.

(2) Limited availability. Occasionally, required supplies, material, equipment, or services are of a proprietary nature, or are otherwise of such specific design or construction, or are specifically desired for purposes of maintaining cost effective system consistency, as to be available from only one source. After reasonable efforts to find alternative suppliers, the mayor or his designee may dispense with the requirement of a minimum of two bids and recommend making the purchase from the sole source. Standard approval procedures as defined in § 5-703 of this chapter and documentation will be adhered to.

(3) Cooperative purchasing. The mayor or his designee shall have the authority to join with other public jurisdictions in cooperative purchasing agreements. The City of Manchester may also buy directly from a vendor at a price established by competitive bidding by another public jurisdiction in substantial compliance with this document, even if the city has not joined with that public agency in a formal agreement. The City of Manchester may also purchase from the United States of America or any state, municipality or other public corporation or agency without following formal purchasing procedures as defined in this document.

(4) Utility contracts. The city shall purchase or contract for all telephone, telegraph, electric light, gas, power and other services for which a

rate for the use thereof has been established by a public authority deemed to be in the best interest of the City of Manchester. Each such purchase or contract shall be made on a competitive basis whenever possible, unless it has been determined that such purchase is sole source. (1972 Code, § 1-1904, as amended by Ord. #808, Jan. 1998, and replaced by Ord. #1055, April 2004)

5-705. Bid withdrawal, bid revision and bid rejection. Before bid opening, a vendor may be permitted to withdraw a bid entirely and/or submit a substitute bid. The vendor making such a request must submit suitable identification. After bid opening, a vendor will be permitted to withdraw a bid only where there is obvious clerical error in the bid such as a misplaced decimal point, or where enforcement of the bid would impose unconscionable hardship due to an error in the bid resulting in a quotation substantially below the other bids received. Withdrawal will be considered only upon written request from the vendor. In cases of errors in the extension of prices in the bid, the unit price will govern.

A bid may not be revised after bid opening. However, after evaluation is complete and the successful bidder/proposer selected, negotiations may occur which serve to alter the bid/proposal in a way favorable to the city.

When it becomes necessary to reject all bids, the reason for such rejection will be set out in complete detail and made available to all bidders who submitted a bid. (1972 Code, § 1-1905, as replaced by Ord. #1055, April 2004)

5-706. Protested bids. Any actual bidder/proposer who claims to be aggrieved in connection with a specific solicitation process may submit a protest in writing to the finance director within seven (7) calendar days after he or she knows or should have known the facts giving rise to the protest.

The finance director has the authority to resolve the protest. If deemed necessary, the finance director may request a meeting with the protesting party to seek clarification of the protest issues. The final determination of the finance director shall be given in writing and submitted to the protesting party.

The protesting party may request that the final determination of the finance director be considered by the mayor. The request for consideration shall be made in writing to the mayor within seven (7) calendar days from the date of the final determination by the finance director. The mayor has the authority to review and resolve the protest. If deemed necessary, the mayor may request a meeting with the protesting party to seek clarification of the protest issues. The final determination of the mayor shall be given in writing and submitted to the protesting party.

The protesting party may request that the final determination of the mayor be considered by the board of mayor and aldermen. The request for consideration shall be made in writing to the mayor within seven (7) calendar days from the date of the final determination by the mayor. The determination

of the board of mayor and aldermen is final and shall be given in writing and submitted to the protester.

Prior to the award of a contract, a proposer who has protested may submit to the finance director a written petition for stay of award. Such stay shall become effective upon receipt by the finance director. The city shall not proceed further with the solicitation process or the award of the contract until the protest has been resolved in accordance with this section, unless the mayor makes a written determination that continuation of the solicitation process or the award of the contract without delay is necessary to protect substantial interests of the city. It shall be the responsibility of the finance director to seek such determination by the mayor. (1972 Code, § 1-1906, as replaced by Ord. #1055, April 2004)

5-707. Tie bids. A tie bid exists when two or more bidders offer products that meet all specifications, terms and conditions at identical prices, including cash discount offered. In such case, a tie bid will be broken by the following methods, in descending order of preference:

(1) In-city business will be given preference.

(2) Small and minority-owned businesses will be given preference.

(3) Award item(s) to vendor who was low bidder on other item(s) being bid per the same requisition.

(4) Best delivery.

(5) By lot or coin toss (properly witnessed and documented). (as added by Ord. #1055, April 2004)

5-708. Split invoices. Departments are not allowed to split invoices. A "split" invoice results when a total charge of $1,500 or more is divided into more than one invoice from the same vendor or from multiple vendors, to avoid the necessity of obtaining a purchase order. The city will not assume responsibility for "split" invoices. (as added by Ord. #1055, April 2004)

5-709. Purchases from and sales to city officials and employees. The City of Manchester cannot buy from nor sell to a city official or employee other than by public auction that has been properly advertised, or from a source in which such person has ten percent (10%) or more ownership interest during his term of employment or tenure in office or for six (6) months thereafter. In any sale of surplus personal property by the city by any method other than a public auction, the city should require the prospective purchaser to execute a statement certifying that he/she is not a city employee, has not been a city employee within the six (6) month period preceding the purchase and is not purchasing the property on behalf of any city employee. The signed statement should be maintained with the other documents on the sale as required by the policy. (as added by Ord. #1055, April 2004)

5-710. Prohibited transactions. (1) No personal items shall be purchased through the city or from funds of the city for any employee of the city or any relative of any employee.

(2) No employee of the city responsible for initiating or approving requisitions shall accept or receive, directly or indirectly, from any person, firm or corporation to whom any contract may be awarded, by rebate, gift or otherwise, any money or anything of value whatsoever, or any promise, obligation or contract for future awards or compensation.

(3) Purchases cannot be made C.O.D. payment and may not be made in advance of the receipt of goods (exceptions: registration fees, vendor minimum billing amounts and other similar items). In cases where the advance payment must be made, the requisition should have a request for payment form attached.

(4) Purchases cannot be made on the installment basis.

(5) Whenever any contract is awarded contrary to the provisions of this chapter, the contract shall be void and of no effect, and if the violation was intentional, the employee responsible for the purchase shall be liable for any city funds paid contrary to these policies and procedures. (as added by Ord. #1055, April 2004)

5-711. Record keeping. The finance department is responsible for maintenance of purchasing records. These records will be maintained in the finance department indefinitely, or as prescribed by law. (as added by Ord. #1055, April 2004)

5-712. Requisition. When a purchase order is required, the request shall be presented to the finance department in written form. The requisition must contain sufficient information to insure acquisition of the correct item(s). Requests that will put an account over-budget must be accompanied by a request for transfer of funds so the proposed account will have sufficient funds for the purchase. The finance director may allow a budget over-ride as long as such action would not put the major category over-budget when reasonably projected to the end of the fiscal year. Requisitions will not be made utilizing accounts that are unrelated to the type of item or service being purchased. Original quotes or bids, specifications, and other documentation are to accompany the request. (as added by Ord. #1055, April 2004)

5-713. Notice inviting sealed proposals. The notice inviting sealed proposals is to be prepared by the finance department and is formal notification, through posting and advertisement by the finance director, that goods or services are being solicited by the city. This gives widespread exposure to the city's needs, expanding the vendor base, and fulfills the legal responsibility of giving fair access to supplying the city's needs. The notice inviting sealed proposals must contain sufficient information to define the work and other

details to the reader, and the date and time at which the bids will be publicly opened and read. (as added by Ord. #1055, April 2004)

5-714. Contract-out vs. in-house. The city may, at the direction of the board of mayor and aldermen, elect to have certain public works projects performed by city employees. Generally, the decision to perform a public works project "in-house" is based on four factors:

(1) A lack of available outside sources for the type of work to be done;

(2) The assurance that the needs of the city will best be served both technically and financially; and,

(3) Work will be performed within the time-frame normally associated with outside contracting;

(4) City staff needs to be trained and qualified to perform the work in the event an emergency response may be required. (as added by Ord. #1055, April 2004)

5-715. Purchase order. The purchase order number is generated by the finance department upon final approval and acceptance of the purchase requisition. Upon completion of the purchase order, the finance department will distribute copies to the user department, purchasing file, and the vendor/contractor. (as added by Ord. #1055, April 2004)

5-716. Credit card purchase. For certain purchases, use of a credit card is expedient and sometimes even necessary. The finance department will maintain an account for use when required. When needed, the card will be supplied at the request of the department head to be used at his/her discretion. With approval from the department head, charges on a personal credit card may be reimbursed. In any case, use of a credit card is limited to purchases specifically related to city business for a maximum single-item purchase of $1,500 or, for authorized travel and meeting purposes. Using the city credit card for personal purchases is not permitted. (as added by Ord. #1055, April 2004)

5-717. Petty cash. The high cost of payment processing makes it imperative that small-dollar purchases be made by cash. The exception is when the vendor is heavily patronized by the city and the vendor is willing to establish a credit account with the city. The finance department will maintain a petty cash fund and should use it for minor purchases of up to $25.00 when buying from uncommon sources or vendors unwilling to establish a credit account with the city. (as added by Ord. #1055, April 2004)

5-718. Amendment to purchase order. It is sometimes necessary to change a purchase order after it has been let. The three most common changes are monetary, time extension, and scope of work. Only the mayor may approve

a formal change to an existing purchase order. The requesting department must complete a contract change order or a request for change/amendment and submit it, with appropriate documentation, to the finance department for approval. Upon approval, the requesting department and vendor will receive an amended purchase order reflecting the change(s). (as added by Ord. #1055, April 2004)

5-719. Receiving of goods/equipment. (1) Inspection and testing. All goods procured by the city shall be subject to inspection and/or testing upon receipt or completion by the department receiving the product to assure conformance with the specifications set forth in the order. If a product fails to meet specifications, it shall be identified as "on hold pending rejection," and a written report of the findings shall be forwarded to the finance department. If a product is determined to be unusable, it shall be rejected and returned to the vendor as the vendor directs, and at their expense, for credit or replacement. Items found not to specifications, but of limited usability, may be conditionally accepted but only after renegotiation of the original contract. The finance director or his designee shall have the authority to require chemical and physical tests or any other tests deemed necessary to assure full compliance with the specifications.

(2) Acceptance. When goods have been received or a project has been completed to the satisfaction of the user department and the specifications, the packing slip and/or other completion documentation shall be signed-off by the receiver/inspector. Information to be noted on the documents must include, as a minimum, the acceptor's signature and a legible rendering of their name and the date of receipt/completion. Any deviation from the exact ordering specifications must be noted on the receiving/acceptance documents. These receiving documents are to be forwarded to the finance department upon acceptance of the goods and/or services. (as added by Ord. #1055, April 2004)

5-720. Disposal of surplus property. Surplus personal property is property which is obsolete, unusable, or no longer needed by the city or property for which needs do no justify the cost of maintenance and/or storage. Surplus personal property is either usable property, which shall be transferred or sold, or unusable property, which may be destroyed, as hereafter provided. Personal property in which the federal government or other entity has a legal interest should be transferred to such entity when no longer needed.

(1) Procedures for disposal. (a) The mayor has the responsibility of declaring personal property to be surplus property. The finance director is designated as the individual at the city responsible for the disposal of surplus property and the communications and procedures concerning the disposal of surplus property.

(b) Items that must be replaced may be traded in on replacement property. In connection with the trade-in method of disposal, the following functions shall be performed:

(i) Invitations to bid are sent requesting bids with trade-in and without trade-in.

(ii) Evaluations of the condition and fair market value of the property to be discarded will be made.

(iii) Utilizing a comparison of the bid and the evaluation prepared, a determination will be made whether it is in the best interest of the city to dispose of the property by trade-in or another appropriate method.

(c) Upon declaration of the property to be surplus, notice shall be provided to the finance director and to appropriate departments and/or individuals within the city. The notice shall provide the name of the individual to contact for additional information or for inspection, a description of the property, and the original cost and fair market value of the property. The initial notification of available surplus property may be made at periodic intervals for purposes of consolidating notices on numerous items of such property for convenience.

(d) Following the initial notification of the availability of surplus property, such property shall remain available for thirty (30) days for transfer to another department requesting such property. The first department requesting available surplus property shall be entitled to receive such property.

(e) In the event no city department requests transfer of available personal property, the property may be sold by public auction or public bids, or sold to eligible governmental entities.

(i) When surplus property is sold by public bid or auction, notice of the sale shall be made by advertisement in at least one (1) newspaper of general circulation in the county, describing the property and specifying the date, time, place, manner and conditions of disposal. The advertisement shall be entered in the public notice or equivalent section of the newspaper and shall run not less than less than two (2) consecutive issues. The disposal shall not be held sooner than seven (7) days after the last day of publication nor later than fifteen (15) days after the last day of the publication of the required notice, excluding Saturdays, Sundays and holidays. Prominent notice shall also be conspicuously posted for ten (10) days prior to the date of disposal, excluding Saturdays, Sundays and holidays, in at least two (2) public places in the county. All notices of sales of such property shall provide that the property is to be sold "as-is." All sales by bid or auction shall be with reserve and where bids received are unreasonably below the fair market value, all bids shall be

rejected, and the property shall be thereafter disposed in a manner which will ensure an adequate price.

(ii) Alternatively, personal property declared to be surplus under this section may be sold pursuant to agreements between the City of Manchester, Tennessee and various alternative on-line sellers, approved by the mayor and finance director under the authority conferred by municipal code § 5-720(1)(a).

(iii) If the property to be sold is unique or has a limited and specialized market; the director of the department using the equipment may request another method of sale, such as a privately-negotiated or brokered sale. If this method is desired; the director:

(A) Must obtain a reliable estimate of value of the property from someone unassociated with the sale or potential purchaser and

(B) Must present his suggested method of disposition and the expected price to the board of mayor and aldermen and obtain board approval before the property is offered for sale.

(iv) In addition, in any sale of surplus personal property by the city by any method other than public auction, the city requires the prospective purchaser to execute a statement verifying that he or she is not a city employee, has not been a city employee within the six (6) month period preceding the purchase, and is not purchasing the property on the behalf of any city employee. The signed statement should be maintained with the other documents on the sale required by the policy.

(f) In the event no department of the city requests transfer of surplus property designated as unusable property and has no or nominal value the property may be destroyed by an appropriate method, provided that where the surplus property is perishable food, it may be destroyed without delay or notification.

(g) Surplus materials such as scrap metals, paper and paper products, used lumber, bottles and glass and similar materials of nominal value classified as scrap may be sold by the department directly to dealers at the current market value without soliciting bids. The city shall keep a record of the volume and unit price of such materials sold on the scrap market.

(h) The finance director shall be responsible for the maintenance of accountability on all items of surplus property and shall ensure that adequate audit and inventory trails on all items of surplus property are maintained. A transfer document signed by the receiving department shall be maintained on all transferred surplus property.

(2) Limitations. City property cannot be sold by a department.

(3) Responsibilities. The department should notify the mayor by memorandum routed through the appropriate department head giving the location, description and condition of any property declared departmentally surplus. The mayor will then examine the property and decide to dispose of the property or to transfer the property to another city department. If the transfer is made internally, an acceptable agreement to both departments should be negotiated. A "change of accountability form" should be executed by both departments and sent to the finance director. Once an agreement is reached, the proper interdepartmental transfer will be initiated by the selling department.

(4) Income from sale of surplus property. All income received from the sale of city surplus property will be credited to the vehicle and equipment replacement fund with the exception of water and sewer department surplus which shall be credited to the water and sewer capital project fund. (as added by Ord. #1055, April 2004, and amended by Ord. #1087, Jan. 2005, and Ord. #1580, Nov. 2019 ***Ch21_07-05-22***)

5-721. Performance guarantee. All contractors in "continuing performance" service on contracts over $25,000, are required to submit a performance bond, letter of credit, or cash deposit equivalent to 100% of the contract within 10 working days following award of the contract, unless specifically exempted or modified by the mayor. (as added by Ord. #1055, April 2004)

5-722. Labor and materials guarantee. On all construction contracts over $25,000, and all public works project contracts, are required to submit a labor and materials bond, letter of credit, or cash deposit equivalent to 50% of the contract within 10 working days following award of the contract, unless specifically exempted or modified by the mayor or city attorney. (as added by Ord. #1055, April 2004)

5-723. Public liability insurance. All contractors engaged in service on city property are required to maintain minimum public liability insurance of $1,000,000 for each occurrence naming the City of Manchester as additional insured. Certain high-risk activities require higher limits. (as added by Ord. #1055, April 2004)

5-724. Property damage insurance. All contractors engaged in service on city property are required to maintain minimum property damage insurance of $1,000,000 for each occurrence naming the City of Manchester as additional insured. Certain high-risk activities require higher limits. (as added by Ord. #1055, April 2004)

5-725. Worker's compensation insurance. All contractors engaged in service on behalf of the city are required to maintain worker's compensation insurance. (as added by Ord. #1055, April 2004)

5-726. Cybersecurity and bid policy. A cybersecurity and bid policy is hereby adopted for the City of Manchester as contained in an Information Security Program Manual in the office of the Records Custodian of the City of Manchester, Tennessee, which is hereby adopted and incorporated by reference as part of this code and hereafter referred to as the Manchester Cybersecurity and Bid Policy. The provisions of this policy shall govern if another portion of this code is in contradiction of the terms herein. (as added by Ord. #1698, Sept. 2023 ***Ch23_08-06-24***)

CHAPTER 8

PROCEDURES FOR APPROPRIATING AND DISBURSING MUNICIPAL FUNDS TO NONPROFIT ORGANIZATIONS

SECTION

5-801. Nonprofit organizations defined.
5-802. Funding requests.
5-803. Appropriations.
5-804. Documentation by nonprofit organization.

5-801. Nonprofit organizations defined. For the purpose of this chapter, a nonprofit charitable organization is defined as one in which no part of the net earnings will benefit any private shareholder or individual, and which provides year round services benefiting the general welfare of the city, and a nonprofit civic organization is defined as one exempt from federal taxation pursuant to § 501(c)(4) or (c)(6) of the Internal Revenue Code of 1954, as amended. (Ord. #810, Feb. 1998)

5-802. Funding requests. Requests for appropriations from the city shall be in writing, on a form approved by the finance director, and shall contain the name of the organization, its nonprofit status, and the purpose for which funding is requested. (Ord. #810, Feb. 1998)

5-803. Appropriations. Funds shall only be appropriated by the annual budget ordinance of the city, or by an amendment to that ordinance, and those budget documents must be published in a newspaper of general circulation in the city, and must specify in detail each nonprofit organization by name, the specific appropriation made to it, and the purpose for which the appropriated funds will be spent. (Ord. #810, Feb. 1998)

5-804. Documentation by the nonprofit organization. Every nonprofit organization receiving financial assistance from the city must file an annual report of its business affairs and transactions with the finance director, which includes its annual audit report, an explanation of its programs which serve the city, and the proposed use of any appropriated funds, and that report shall be available for public inspection at all times during normal business hours. (Ord. #810, Feb. 1998)

CHAPTER 9

CITY CEMETERY

SECTION

5-901. City cemetery.
5-902. Purchase price of plots.
5-903. Interment fee.
5-904. Maintenance.
5-905. Rules and regulations.

5-901. City cemetery. The sale of plots and location of remains in the Manchester City Cemetery shall be managed by the finance department. (as added by Ord. #1326, May 2012)

5-902. Purchase price of plots. The purchase price for each plot or gravesite shall be three hundred dollars ($300.00). (as added by Ord. #1326, May 2012)

5-903. Interment fee. No person or entity shall disturb any earth or seek to inter any remains in the city cemetery without first paying a fee of twenty-five dollars ($25.00), obtaining the approval of and having the applicable plot marked by the finance director or his or her designee. Upon payment of said fee, the finance director or his or her designee will locate the plot available for the burial and designate it. The finance director or his or her designee shall also note in the city's records the name of the person whose remains are interred in said plot. Any person disturbing the earth or seeking to inter remains in the Manchester City Cemetery without complying with this provision shall be subject to a fine of fifty dollars ($50.00) in addition to the fee imposed by this section. (as added by Ord. #1326, May 2012)

5-904. Maintenance. The public works department shall be responsible for the maintenance of the city cemetery. (as added by Ord. #1326, May 2012)

5-905. Rules and regulations. The board of mayor and aldermen, from time to time, shall be empowered to establish, by resolution, rules and regulations supplementary to the provisions of this chapter regarding use of cemetery property, activities thereon and other matters related thereto. Said rules and regulations shall be posted in a conspicuous place on the main entrance to the Manchester City Cemetery. (as added by Ord. #1326, May 2012)

CHAPTER 10

ENTERTAINMENT EVENT TAX

SECTION

5-1001. Tax imposed.
5-1002. Definition.
5-1003. Tax amount.
5-1004. When due.
5-1005. Finance director to create report.
5-1006. Violations and penalty.

5-1001. Tax imposed. There is hereby imposed a tax upon the privilege of sale, resale or issuance of any ticket, pass, admission card, token, access bracelet, electronic code, bar code, QR code and any other evidence of entitlement to admission (hereinafter "ticket") to any entertainment event defined herein held within the City of Manchester. (as added by Ord. #1615, May 2021 ***Ch21_07-05-22***)

5-1002. Definition. For the purposes of this chapter, "entertainment event" shall mean any gathering for entertainment purposes to participate in, watch, listen to or otherwise experience any athletic event, concert, series or collection of concerts, festival, dramatic presentation (such as a play, reenactment of an event or events, whether factual or fictional or partially one or the other) sales opportunity whether described as a "show," "fair" or by a similar term provided any such event has a planned, offered or expected attendance of greater than three hundred fifty (350) persons; however, "entertainment event" shall not include any officially-sanctioned event directly sponsored in full by any governmental entity, public local educational agency or charitable organization which has 501(c)(3) status or a combination thereof. (as added by Ord. #1615, May 2021 ***Ch21_07-05-22***)

5-1003. Tax amount. The amount of the tax shall be as follows:

(1) Admission cost or value of one hundred dollars ($100.00) and less - one dollar ($1.00);

(2) Admission cost or value of one hundred-one dollars to two hundred ninety-nine dollars ($101.00 - $299.00) - two dollars ($2.00);

(3) Admission cost or value of more than two hundred ninety-nine dollars ($299.00) - three dollars ($3.00). (as added by Ord. #1615, May 2021 ***Ch21_07-05-22***)

5-1004. When due. The seller (or distributor for complimentary tickets, etc.) shall remit the tax due, in full, to the finance director by the fifteenth (15th) day of the calendar month following the event. Any amount not paid shall incur

interest at one and one-half percent (1 1/2%) of the amount due for each month or part of a month the tax is not timely paid. (as added by Ord. #1615, May 2021 ***Ch21_07-05-22***)

5-1005. Finance director to create report. The finance director shall create such report, form or return, to be executed under penalty of perjury by the taxpayer or its representative, necessary or convenient to facilitate collection of the tax. Said report, form or return shall be filed on the due date of said tax. (as added by Ord. #1615, May 2021 ***Ch21_07-05-22***)

5-1006. Violations and penalty. Failure to timely file such return or report shall be punishable by a fine of fifty dollars ($50.00) per day for each day said filing is delinquent. (as added by Ord. #1615, May 2021 ***Ch21_07-05-22***)

TITLE 6

LAW ENFORCEMENT

CHAPTER
1. POLICE AND ARREST.

CHAPTER 1

POLICE AND ARREST[1]

SECTION
6-101. Policemen subject to chief's orders.
6-102. Policemen to preserve law and order, etc.
6-103. Policemen to wear uniforms and be armed.
6-104. When policemen to make arrests.
6-105. Policemen may require assistance in making arrests.
6-106. Deleted.
6-107. Police department records.
6-108. Service awards upon resignation or retirement policy.

6-101. 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. The chief of police may at any time it is deemed necessary for the welfare of the city suspend any policeman of the police department for insubordination, lack of diligent effort in the execution of his duties, or for other causes deemed advisable by the said chief of police. Any suspension of a policeman shall be brought to the immediate attention of the Mayor of the City of Manchester, Tennessee, and to the immediate attention of the safety committee for appropriate action. (1972 Code, § 1-501)

6-102. Policemen to preserve law and order, etc. Policemen shall preserve law and order within the city. They shall patrol the city and shall assist the city court during the trail of cases. Policemen shall also promptly serve any legal process issued by the city court. (1972 Code, § 1-502)

6-103. Policemen to wear uniforms and be armed. All policemen shall wear such uniform and badge as the board of mayor and aldermen shall authorize and shall carry a service pistol at all times while on duty unless

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[1]Municipal code reference
Traffic citations, etc.: title 15, chapter 7.

otherwise expressly directed by the chief for a special assignment. (1972 Code, § 1-503, as amended by Ord. #1628, Sept. 2021 ***Ch21_07-05-22***)

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

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

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

(3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1972 Code, § 1-504)

6-105. Policemen may require assistance in making arrests. It shall be unlawful for any person to willfully refuse to aid a policeman in making a lawful arrest when such a person's assistance is requested by the policeman and is reasonably necessary to effect the arrest. (1972 Code, § 1-505, as amended by Ord. #1628, Sept. 2021 ***Ch21_07-05-22***)

6-106. Deleted. (1972 Code, § 1-506, as deleted by Ord. #1628, Sept. 2021 ***Ch21_07-05-21***)

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. (1972 Code, § 1-507)

6-108. Service awards upon resignation or retirement policy. A service awards upon resignation or retirement policy is hereby adopted for the City of Manchester Police Department as contained in the Book of General Orders in the office of the Chief of Police of the City of Manchester, Tennessee, and further known as General Order 214.00, which is hereby adopted and incorporated by reference as part of this code and hereafter referred to as the Manchester Police Department Service Awards Policy. The provisions of this policy shall govern if another portion of this code is in contradiction of the terms herein. (as added by Ord. #1700, Oct. 2023 ***Ch23_08-06-24***)

TITLE 7

FIRE PROTECTION AND FIREWORKS[1]

CHAPTER

1. MISCELLANEOUS PROVISIONS.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIRE SERVICE OUTSIDE CITY LIMITS.
5. PYROTECHNICS.

CHAPTER 1

MISCELLANEOUS PROVISIONS

SECTION

7-101. Fire districts.
7-102. Specific provisions applicable in the several fire districts.
7-103. Fires in streets, etc., prohibited.
7-104. Supervision and control of fires.
7-105. Permit required for grass fires.
7-106. Bonfires, etc., prohibited at night.

7-101. Fire districts. The City of Manchester is hereby divided into five (5) fire districts which are designated as follows: Central Business District, Intermediate Business District, Industrial District, High Density Residential District and Low Density Residential District.

The "Fire District Map of the City of Manchester," of record in the finance director's office, sets forth the description and limits of each of the five (5) fire districts and the same is hereby adopted by reference and made a part of this chapter. (1972 Code, § 7-101, as amended by Ord. #808, Jan. 1998)

7-102. Specific provisions applicable in the several fire districts. There shall be no burning of rubbish, trash, leaves, pine needles, pine cones or other material in the various fire districts, except as hereinafter provided.

(1) Central business district. There shall be no burning of any refuse material of any kind. All disposal of refuse shall be by the city's refuse collection service or by the producer of such refuse.

(2) Intermediate business and industrial districts. No person shall burn or cause to be burned any refuse material of any kind except in a fireproof

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

container constructed of heavy wire or sheet metal with the openings in the mesh not greater than one (1) square inch or in other type fireproof containers approved by the fire chief. No fire shall be nearer than twenty-five (25) feet from any building or structure.

(3) High density residential and low density residential districts. No person shall burn or cause to be burned any refuse material of any kind, except natural wood products or vegetation, leaves, grass or weeds, as regulated by municipal code § 7-105. (1972 Code, § 7-102, as replaced by Ord. #967, Feb. 2002)

7-103. Fires in streets, etc., prohibited. No person shall make any bonfire or burn any grass, leaves, or refuse material whatever on the streets or in the area between the sidewalk and curb. (1972 Code, § 7-103)

7-104. Supervision and control of fires. No person shall make or cause to be made any fire of any kind in the open within the City of Manchester unless he keeps such fire under the direct and constant supervision of some competent person; nor shall any person making or setting any fire allow the fire to become so large or so intense that it is not within the complete control of the person supervising the same; nor shall any person allow any fire to injure or damage any structure, shrubbery, tree, or hedge. (1972 Code, § 7-104)

7-105. Permit required for grass fires. No person shall set or cause to be set any fire commonly known as a grass fire for the purpose of burning off vegetation, leaves, grass, or weeds on any lot or parcel of ground within the city, unless he shall first obtain from the fire chief or his duly authorized representative a permit for such fire.

Any person desiring a grass fire permit shall file an application therefor with the fire chief. The application shall set forth the area to be burned, the type vegetation contained thereon, the security measures that will be taken to prevent the five from spreading, and the name of the person who will supervise the fire.

The fire chief shall have the application investigated and if he finds that such fire will not unreasonably endanger property or life he shall issue the permit subject to such reasonable conditions as he may specify. (1972 Code, § 7-105)

7-106. Bonfires, etc., prohibited at night. No person shall make any bonfire or burn any grass, leaves, or refuse whatever between the hours of sunset and sunrise. (1972 Code, § 7-106)

CHAPTER 2

FIRE CODE[1]

SECTION

7-201. Fire code adopted.
7-202. Enforcement.
7-203. Definition of "municipality."
7-204. Gasoline trucks.
7-205. Variances.
7-206. Appeals.
7-207. Violations.
7-208. Transportation, shipment and underground storage of hazardous materials.

7-201. Fire code adopted. Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the International Fire Code,[2] 2012 edition, including Appendices B and C, is hereby adopted by reference and included as a part of this code, and is hereafter referred to as the fire prevention code. (1972 Code, § 7-201, as amended by Ord. #821, May 1998, Ord. #1250, Nov. 2009, and Ord. #1544, Dec. 2017)

7-202. Enforcement. The fire prevention code herein adopted by reference shall be enforced by the chief of the fire department or his designee. The enforcement power of this section is non-exclusive. The health and codes administrator or his designee may also enforce any code adopted by this section. (1972 Code, § 7-202, as amended by Ord. #1250, Nov. 2009)

7-203. Definition of "municipality." Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the City of Manchester, Tennessee. (1972 Code, § 7-203)

7-204. Gasoline trucks. No person shall operate or park any gasoline tank truck within the central business or residential district at any time except

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

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

for the purpose of and while actually engaged in the expeditious delivery of gasoline. (1972 Code, § 7-205)

7-205. Variances. The chief of the fire department may recommend to the governing body 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 governing body. (1972 Code, § 7-206)

7-206. Appeals. Any person aggrieved by any decision of the chief of the fire department in construing, interpreting, applying, modifying, or enforcing the provisions of the fire prevention code may, within thirty (30) days from the date of such decision, appeal to the board of mayor and aldermen. Such appeal shall be filed with the chief of the fire department and with the finance director. (1972 Code, § 7-207, as amended by Ord. #808, Jan. 1998)

7-207. Violations. It shall be unlawful for any person to violate any of the provisions of this chapter or the fire prevention code hereby adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken; or fail to comply with such an order as affirmed or modified by the governing body of the municipality or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause for the municipal code shall not be held to prevent the enforced removal of prohibited conditions. (1972 Code, § 7-208)

7-208. Transportation, shipment and underground storage of hazardous materials. (1) No person shall ship or transport into, within, through or out of the city and hazardous materials contrary to the applicable federal regulations of the United States Department of Transportation or applicable state regulations of the Tennessee Department of Transportation, or the Tennessee Public Service Commission in effect at the date of shipment or transport.

(2) No person shall bury or cause to be buried any underground storage container or tank designed to be used for the storage of any toxic or flammable material without the inspection and approval of the fire chief or his designated representative. The fire chief or emergency management office shall be notified prior to removal of any such containers or tanks presently buried within the city limits and shall be inspected upon removal to determine if

leakage shall have occurred. Any contamination of soil or ground water from leaking underground storage tanks shall be the responsibility of the tank owner, and clean up must satisfy the requirements of the applicable state and federal agencies. (1972 Code, § 7-209)

CHAPTER 3

FIRE DEPARTMENT[1]

SECTION

7-301. Establishment, equipment, and membership.
7-302. Objectives.
7-303. Organization, rules, and regulations.
7-304. Records and reports.
7-305. Tenure and compensation of members.
7-306. Chief responsible for training.
7-307. Chief to be assistant to state officer.
7-308. Residency of firemen.
7-309. Firemen to enforce fire and parking codes.
7-310. Violations and penalty.

7-301. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the board of mayor and aldermen of the city. All apparatus, equipment, and supplies shall be purchased by or through the city and shall be and remain the property of the city. The fire department shall be composed of a chief appointed by the board of mayor and aldermen and such number of physically-fit subordinate officers. (1972 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. (1972 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 shall be necessary for the orderly and efficient operation of the fire department. (1972 Code, § 7-303)

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[1]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 safety committee once each month, and at the end of the year a detailed annual report shall be made. (1972 Code, § 7-304)

7-305. Tenure and compensation of members. The chief shall hold office so long as his conduct and efficiency are satisfactory to the board of mayor and aldermen.

All personnel of the fire department shall receive such compensation for their services as the board of mayor and aldermen may from time to time prescribe. (1972 Code, § 7-305)

7-306. Chief responsible for training. The chief of the fire department shall be fully responsible for the training of the firemen, and the minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (1972 Code, § 7-306)

7-307. 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 commerce and insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the fire prevention commissioner in the execution of the provisions thereof. (1972 Code, § 7-308)

7-308. Residency of firemen. All firemen employed by the City of Manchester, Tennessee shall reside within one hundred (100) miles of a City of Manchester fire station as a condition of their employment. (1972 Code, § 7-309, as replaced by Ord. #1562, Oct. 2018 ***Ch20_5-7-19***)

7-309. Firemen to enforce fire and parking codes. Firemen employed by the City of Manchester shall issue a written citation to any person they determine to have violated any provision of Title 7, Chapters 1, 2, or 5 or Title 15, Chapter 6 of the Manchester Municipal Code, in their presence. The citation shall contain a notice to answer the charge in the city court at a specified time, and require the written promise of the alleged violator to answer as specified in the citation. (as added by Ord. #911, Jan. 2001)

7-310. Violations and penalty. Any violation of the provisions of Title 7 of the Manchester Municipal Code shall be a civil offense punishable in accordance with municipal code § 15-705. (as added by Ord. #911, Jan. 2000)

CHAPTER 4

FIRE SERVICE OUTSIDE CITY LIMITS

SECTION

7-401. Equipment to be used only within corporate limits except as otherwise authorized.

7-401. Equipment to be used only within corporate limits except as otherwise authorized. No equipment of the fire department shall be used for fighting any fire outside the corporate limits unless expressly authorized by the board of mayor and aldermen in writing or unless the equipment is specifically requested by the ranking officer of another municipal fire department, a Coffee County rural volunteer fire department or the Arnold Engineering Development Center Fire Department, and if so requested, the equipment shall be used on an "as available" basis and in the discretion of the fire chief or in his absence, the ranking fire officer, and if so used, the City of Manchester shall have the right to refuse to send said equipment or to withdraw its equipment int he event that equipment is needed within the corporate limits for the purpose of fighting any fire. (1972 Code, § 7-307)

CHAPTER 5

PYROTECHNICS

SECTION

7-501. Permits; necessity; regulations; display; nontransferable.
7-502. Business licenses not replaced by permit.
7-503. Permit fee; duration of permit.
7-504. Permissible items of fireworks.
7-505. Retail sale of permissible articles; time limitations; exceptions.
7-506. Public displays.
7-507. Storage, location and display of fireworks; protection of fuses.
7-508. Unlawful acts in the sale and handling of fireworks.
7-509. Conditions for sale and use of permissible articles.
7-510. Seizure and destruction of fireworks.
7-511. Penalty for violation.

7-501. Permits; necessity; regulations; display; nontransferable. It shall be unlawful for any person to manufacture, sell, offer for sale, ship or cause to be shipped into the City of Manchester, except as herein provided any item of fireworks, without first having secured the required applicable permit as a manufacture, distributor, wholesaler, or retailer, from both the City of Manchester Codes and Health Department and the state fire marshal possession of said permits being hereby made a condition prerequisite to manufacturing, selling or offering for sale, shipping or causing to be shipped any fireworks into the City of Manchester, except as herein provided. Permits are not transferable. (Ord. #823, June 1998, as amended by Ord. #1141, July 2006)

7-502. Business licenses not replaced by permit. The issuance of the permit herein required by the codes and health department shall not replace or relieve by any person, state, county or municipal business licenses as now or hereafter provided by law. (Ord. #823, June 1998, as amended by Ord. #1141, July 2006)

7-503. Permit fee; duration of permit. The permit fee for the permit provided for in § 7-501 shall be five hundred dollars ($500.00) and the permit shall be valid for twelve (12) months. Any religious organization which has obtained tax exempt status pursuant to 26 U.S.C. 501(c)(3) or is otherwise exempt from taxation shall be exempt from the fee required by this section provided the manufacturing and/or selling operation is conducted only by the members of said organization and all proceeds inure to the benefit of said organization. (Ord. #823, June 1998, as amended by Ord. #1310, Sept. 2011)

7-504. Permissible items of fireworks. It shall be unlawful for an individual, firm, partnership or corporation to possess, sell or use, within the City of Manchester, except as provided for in § 7-506, any pyrotechnics, commonly know as "fireworks" other than the permissible items herein enumerated, except as herein provided. The permissible fireworks consist of ICC class C common fireworks only, and shall include the following:

(1) Roman candles, not exceeding ten (10) balls spaced uniformly in the tube, total pyrotechnic composition not to exceed twenty (20) grams each in weight. The inside tube diameter shall not exceed three-eighths (3/8) inch.

(2) Sky rockets, with sticks, total pyrotechnic composition not to exceed twenty (20) grams each in weight. The inside tube diameter shall not exceed one-half (1/2) inch. The rocket sticks must be securely fastened to the tubes.

(3) Helicopter-type rockets, total pyrotechnic composition not to exceed twenty (20) grams in weight. The inside tube diameter shall not exceed one-half (1/2) inch.

(4) Cylindrical fountains, total pyrotechnic composition not to exceed seventy-five (75) grams in weight. The inside tube diameter shall not exceed three-fourths (3/4) inch.

(5) Cone fountains, total pyrotechnic composition not to exceed fifty (50) grams each in weight.

(6) Wheels, total pyrotechnic composition not to exceed sixty (60) grams for each driver unit or two hundred and forty (240) grams for each complete wheel. The inside tube diameter of driver units shall not exceed one-half (1/2) inch.

(7) Illuminating torches and colored fire in any form, except items included in subparagraph (12), total pyrotechnic composition not to exceed one hundred (100) grams each in weight.

(8) Sparklers and dipped sticks, total pyrotechnic composition not to exceed one hundred (100) grams each in weight. Pyrotechnic composition containing any chlorate or perchlorate shall not exceed five (5) grams.

(9) Mines and shells of which the mortar is an integral part, total pyrotechnic composition not to exceed forty (40) grams each in weight.

(10) Firecrackers and salutes with casings, the external dimensions of which do not exceed one and one-half (1 1/2) inches in length or one-quarter (1/4) inch in diameter, and other items designed to produce an audible effect, total pyrotechnic composition not to exceed two (2) grains each in weight.

(11) Novelties consisting of two (2) or more devices enumerated in this paragraph, trick matches and cigarette plugs, when approved by the bureau of explosives.

(12) Railway fuses, truck flares, hand ship distress signals, smoke signals and smoke pots.

No component of any device listed in this section, which is designed to produce an audible effect, shall contain pyrotechnic composition in excess of two

(2) grains in weight, excluding propelling or expelling charges. Roman candles and all similar items discharging colored balls must be designed to be stuck in the ground while being discharged by affixing a wood spike in the end. (Ord. #823, June 1998)

7-505. Retail sale of permissible articles; time limitations; exceptions. Permissible items of fireworks defined in § 7-504, may be sold at retail throughout the year and used within the City of Manchester from June 17th through July 5th, and December 10th through January 2nd of each year only, except that the term "fireworks" shall not include toy pistols, toy canes, toy guns, or other devices in which paper caps containing twenty-five hundredths (25/100) grains or less of explosive compounds are used, provided they are so constructed that the hand cannot come into contact with the cap when in place for exploding, and toy paper pistol caps which contain less than twenty-five hundredths (25/100) explosive compounds, cone, bottle, tube and other type serpentine pop-off novelties, nonpoisonous toy snakes, smoke sticks without report and sparklers, the sale and use of which shall be permitted at all times. (Ord. #823, June 1998, as amended by Ord. #1625, Aug. 2021 ***Ch21_07-05-22***)

7-506. Public displays. Nothing in this chapter shall be construed as applying to the shipping, sale, possession and use of fireworks for public displays by holders of a permit for a public display to be conducted in accordance with the rules and regulations promulgated by the state fire marshal. Such items of fireworks which are to be used for public display only and which are otherwise prohibited for sale and use within the state shall include display shells designed to be fire from mortars and display set pieces of fireworks classified by the regulation of the interstate commerce commission as "class B special fireworks" and shall not include such items of commercial fireworks as cherry bombs, tubular salutes, repeating bombs, aerial bombs and torpedoes. Public displays shall be performed only under competent supervision, and after the persons or organizations making such displays shall have applied for and received a permit for such displays issued by the state fire marshal, and the Manchester Board of Zoning Appeals. Applications for permits for such public displays shall be made in writing, and the application shall show that the proposed display is to be so located and supervised that it shall not be hazardous to property and that it shall not endanger human lives. The application will be approved by the Manchester Fire Chief (or his designated representative) and the Manchester Police Chief (or his designated representative). Permits shall be limited to the time specified therein, and shall not be transferable. Possession of special fireworks for resale to holders of a "permit for public fireworks display" shall be confined to holders of distributors permit only. (Ord. #823, June 1998)

7-507. Storage, location and display of fireworks; protection of fuses. (1) Placing, storing, locating, or displaying of fireworks in any window where the sun may shine through glass onto the fireworks so displayed or to permit the presence of lighted cigars, cigarettes, or pipes, within ten (10) feet of where the fireworks are offered for sale is hereby declared unlawful and prohibited. At all places where fireworks are stored or sold, there must be posted signs with the words "fireworks-no smoking" in letters not less than four (4) inches high. No fireworks shall be sold at retail at any location where paints, oils, or varnishes are for sale or use, unless such paints, oils, or varnishes are kept in their original consumer containers, nor where resin, turpentine, gasoline, or any other flammable substance is stored or sold, if the storage creates an undue hazard to any person or property.

(2) All firework devices that are readily accessible to handling by consumers or purchasers must have their fuses protected in such a manner as to protect against accidental ignition of an item by spark, cigarette ash or other ignition source. Safety-type thread-wrapped and coated fuses shall be exempt from this provision. (Ord. #823, June 1998)

7-508. Unlawful acts in the sale and handling of fireworks. It shall be unlawful to offer for retail sale or to sell any fireworks to children under the age of ten (10) years or to any intoxicated or irresponsible person. It shall be unlawful to explode or ignite fireworks within six hundred (600) feet of any church, hospital, funeral home, public or private school, or within two hundred (200) feet of where fireworks are stored, sold, or offered for sale. No person shall ignite or discharge any permissible articles of fireworks within or throw the same from a motor vehicle while within, nor shall any person place or throw any ignited article of fireworks into or at such a motor vehicle, or at or near any person or group of people. (Ord. #823, June 1998)

7-509. Conditions for sale and use of permissible articles. No permissible articles of common fireworks used in the city, except as herein provided in § 7-504, unless it shall be properly named to conform to the nomenclature of § 7-504 hereof, unless it is certified as "common fireworks" on all shipping cases and by imprinting on the article or retail container "ICC Class C common fireworks," such imprint to be of sufficient size and so positioned as to be readily recognized by law enforcement authorities and the general public. (Ord. #823, June 1998)

7-510. Seizure and destruction of fireworks. The Manchester city police shall seize as contraband any fireworks other than "class C common fireworks" defined in § 7-504 hereof or "special fireworks" for public displays as provided in § 7-506 hereof, which are sold, displayed, used or possessed in violation of this chapter. Manchester Fire Chief (or his designated representative) and the Manchester Police Chief (or his designated

representative) are authorized to destroy fireworks so seized after giving notice of a hearing and conducting same before the safety committee. (Ord. #823, June 1998, as amended by Ord. #1141, July 2006)

7-511. Penalty for violation. Any individual, firm, partnership or corporation that violates any provision of this chapter, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than fifty dollars ($50.00) or more than two hundred dollars ($200.00). In addition, the codes and health administrator (or his designated representative) may refuse to issue another permit to the holder of a permit so convicted for a period not to exceed three (3) years. (Ord. #823, June 1998, as amended by Ord. #1141, July 2006)

TITLE 8

ALCOHOLIC BEVERAGES[1]

CHAPTER
1. INTOXICATING LIQUORS.
2. BEER.
3. LIQUOR FOR CONSUMPTION ON THE PREMISES.

CHAPTER 1

INTOXICATING LIQUORS

SECTION
8-101. Purpose of chapter.
8-102. Location of licensed premises restricted.
8-103. Number of licenses limited.
8-104. Applications and certificates of good moral character.
8-105. Inspection fee.
8-106. Residence requirements for licensees.

8-101. Purpose of chapter. This chapter is enacted for the purpose of regulating the location of retail liquor establishments, the permissible number thereof, the procedure for licensing such establishments, and the imposition of an inspection fee thereon. (1972 Code, § 2-101)

8-102. Location of licensed premises restricted. No license shall be issued for a location which is in violation of any zoning or planning regulation of the city or which is within three hundred feet (300') of a church or one thousand feet (1,000') of a school measured in a straight line from the front entrance door of the permittee to the front entrance door of the church or school. (1972 Code, § 2-102, as amended by Ord. #1435, Sept. 2014, and replaced by Ord. #1558, July 2018 ***Ch20_5-7-19***)

8-103. Number of licenses limited. Not more than one (1) license shall be issued for each twenty-five hundred (2,500) persons or fraction thereof within the corporate limits of the city, according to the last certified federal or state census, whether regular or special. (1972 Code, § 2-103)

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[1]Municipal code reference
Drinking beer, etc., on streets, etc.: title 11, chapter 1.
State law reference
Tennessee Code Annotated, title 57.

8-104. Applications and certificates of good moral character. Every applicant for a license shall submit to the board of mayor and aldermen a copy of his application to the state's alcoholic beverage commission, along with a copy of any supplemental or additional forms required by said commission. The board of mayor and aldermen shall make a careful investigation of the application and of the general character of the applicant or applicants who are to be in actual control of said business. If the applicant or applicants are found to be of good moral character the board of mayor and aldermen shall issue a certificate signed by a majority of the board of mayor and aldermen certifying that said applicant or applicants, who are to be in actual charge of said business, are of good moral character and in their opinion the applicant or applicants will refrain from the violation of the applicable statutes of Tennessee governing sales of intoxicating liquors. (1972 Code, § 2-104)

8-105. Inspection fee. There is hereby levied upon every retailer, as defined in the Tennessee Code Annotated, § 57-3-103, within the city an inspection fee of eight (8) percent. Said fee shall be collected by the wholesaler as provided by general law.

All fees subject to collection by authority of the general law or this chapter shall be levied and collected in the same manner as specified in the general law. (1972 Code, § 2-105)

8-106. Residence requirements for licensees. All licensees shall have been bona fide residents of Coffee County, Tennessee and residing therein for a period of at least two (2) years prior to the issuance of their licenses, and each licensee shall remain a bona fide resident of Coffee County so long as he holds said license.

For the purposes of this section, "licensees" means sole owners, all partners in any partnership, and all stockholders in any corporation holding a license under this chapter. (1972 Code, § 2-106)

CHAPTER 2

BEER[1]

SECTION

8-201. Business lawful but subject to regulation.
8-202. Creation and membership of beer board.
8-203. Oath required of beer board members.
8-204. Organization, records, and meetings of the beer board.
8-205. Beer permit required.
8-206. When beer permit will not be issued.
8-207. Application requirements for a beer permit.
8-208. Suspension or revocation of beer permits.
8-209. Issuance of beer permits to hotels, clubs, etc.
8-210. Display of beer permits.
8-211. Beer permits not transferable.
8-212. Sales to intoxicated persons, etc.; failure to provide sanitary facilities; sales where pool is played.
8-213. Wholesalers, etc., to make deliveries to licensed retailers only.
8-214. Minors not to purchase, attempt to purchase, or possess beer.
8-215. Hours of sale.
8-216. Sanitation requirements for premises covered by on-premises permit.
8-217. Employees liable for violations.
8-218. Special event beer permit.
8-219. Beer permit holders operating mobile food units may sell beer from such units.

8-201. Business 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, or any other beverages of like alcoholic content, within the corporate limits of the City of Manchester, subject to all of the regulations, limitations, and restrictions hereinafter provided, and subject to the rules and regulations promulgated by authorized public officials or boards. (1972 Code, § 2-201)

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[1]Municipal code reference
Wholesale beer tax: title 5.
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).

8-202. Creation and membership of beer board. The board of mayor and aldermen is hereby established as the beer board for the purposes of this chapter. (1972 Code, § 2-202)

8-203. Oath required of beer board members. The members of the beer board shall take an oath before the finance director or the mayor to faithfully perform the duties imposed upon them without fear or favor and in full accordance with the constitution and laws of the State of Tennessee and the ordinances of the City of Manchester. (1972 Code, § 2-203, as amended by Ord. #808, Jan. 1998)

8-204. Organization, records, and meetings of the beer board. Ten (10) days after its election the beer board shall meet for the purpose of affecting its organization. It shall select one of its number to act as chairman. The chairman shall preside at all meetings of the beer board and keep detailed accurate records of its actions.

Meetings of the beer board shall be held at such times as designated by it and on call of the chairman when necessary and proper to effectually carry out the provisions of this chapter. (1972 Code, § 2-204)

8-205. Beer permit required. No person shall engage in the storing, selling, distributing or manufacturing of beer or other beverage of like alcoholic content within the corporate limits of the City of Manchester, until he shall receive a permit to do so from the beer board. Such permit shall at all times be subject to all of the limitations and restrictions herein provided. (1972 Code, § 2-205)

8-206. When beer permit will not be issued. No permit shall be issued to sell any beverage coming within the provisions of this chapter:

(1) In violation of any provisions of the State law.

(2) In violation of the zoning ordinance of the City of Manchester.

(3) The distance requirements of this section shall not apply to those locations which have a valid beer license on the date of the passage of this ordinance, nor shall the distance requirements apply to any restaurant granted a permit to sell alcoholic beverages on premise by the State of Tennessee, Alcoholic Beverage Commission.

(4) Distances imposed by this section shall be measured in a straight line between the main entrance door of the permit location and the main entrance door of the church or school. (1972 Code, § 2-206, as amended by Ord. #756, Feb. 1996, Ord. #1184, Oct. 2007, Ord. #1336, Sept. 2012, Ord. #1525, April 2017, and Ord. #1558, July 2018 ***Ch20_5-7-19***)

8-207. Application requirements for a beer permit. Before any permit is issued by the beer board, the applicant shall file a sworn petition in

writing, on forms prescribed by and furnished by the board, and shall establish the following:

(1) The name of the applicant.

(2) The applicant's address.

(3) The applicant's home telephone number and date of birth.

(4) Any other addresses of the applicant during the past five years.

(5) Name of applicant's business and telephone number.

(6) Location where the business will be conducted and the distances from the business to the nearest church and school, identifying each location.

(7) The persons, firms, corporations or associations having at least a five (5%) percent ownership interest in the business.

(8) The name of the applicant's representative to receive annual tax notices or any other communication from the beer board.

(9) Whether the application is for sale of beer for on-premises consumption, off-premises consumption or both.

(10) That no firm, person, corporation or association having at least a 5% ownership interest in the business or any person to be employed in the distribution or sale of beer has been convicted of any violation of the laws against possession, sale, manufacture or transportation of beer or other alcoholic beverages or any crime involving moral turpitude within the past 10 years and that they agree to abide by the ordinances of the City of Manchester, Tennessee and the laws of the State of Tennessee regulating the possession, sale, manufacture or transportation of beer or other alcoholic beverages and agrees that compliance with that law is a condition of the license, if issued.

(11) That a $250 fee required by state law and a $30 applicant investigation fee to the City of Manchester has been paid to the Finance Director of the City of Manchester or that the applicant is grandfathered because a license had been issued to the same person prior to the passage of this section.

(12) The individual applicant or representative authorized to act on behalf of any corporate applicant shall personally appear at the meeting of the beer board at which the application is scheduled to be considered. (1972 Code, § 2-207, as amended by Ord. #808, Jan. 1998, Ord. #1138, June 2006, and Ord. #1351, Dec. 2012)

8-208. <u>Suspension or revocation of beer permits</u>. All permits issued by the beer board under the provisions of this chapter shall be subject to suspension or revocation by the beer board for the violation of any of the provisions of the State Beer Act or any of the provisions of this chapter.

The beer board is vested with full and complete power to investigate charges against any permit holder and to cite him to appear and show cause why his permit should not be revoked for the violation of any provision of this chapter or the State Beer Act.

Complaints filed against any beer permit holder for the purpose of suspending or revoking his permit shall be made in writing and filed with the beer board. When the beer board shall have reason to believe that any permit holder shall have violated any of the provisions of this chapter or the State Beer

Act, the beer board is authorized, in its discretion, to notify the permittee of the alleged violation and to cite the permittee by written notice to appear and show cause why his permit should not be suspended or revoked for such violation. The notice to appear and show cause shall state the alleged violation and shall be served upon the permittee either by registered letter or by a city policeman. The notice shall be served upon the permittee at least five (5) days before the date of the hearing. At the hearing the beer board shall publicly hear the evidence both in support of the charges and
on behalf of the permittee. After such hearing, if the charges are sustained by the evidence, the beer board may, in its discretion, suspend or revoke the beer permit. The action of the beer board in all such hearings shall be final, subject only to review by the court as provided in the State Beer Act. When a beer permit is revoked, no new permit shall be issued hereunder for the sale of beer at the same location, until the expiration of one year from the date said revocation becomes final. (1972 Code, § 2-208)

8-209. Issuance of beer permits to hotels, clubs, etc. It shall be lawful for the beer board to issue permits for the sale of any beverage coming within the provisions of this chapter to hotels, clubs, or lodges, subject to such limitations and restrictions as the beer board may see fit to prescribe. (1972 Code, § 2-209)

8-210. Display of beer permits. The permit required by this chapter shall be posted in a conspicuous place on the premiss of the permit holder. (1972 Code, § 2-211)

8-211. Beer permits not transferable. Any permits issued under the provisions of this chapter must be issued to an individual, and not a business or corporation and are not transferable either as to location or holder. (1972 Code, § 2-213)

8-212. Sales to intoxicated persons, etc.; failure to provide sanitary facilities; sales where pool is played. Hereafter, it shall be unlawful and it is hereby declared to be a misdemeanor for any person, firm, corporation, or association, engaged in the business regulated hereunder, to make, or to permit to be made, any sale or distribution of such beverage to persons intoxicated, feeble minded, insane, or otherwise mentally incapacitated; to fail to provide proper sanitary facilities where such beverage is permitted to be consumed on-premises, or to sell or distribute such beverage at any place where pool or billiards are played, unless the sale or distribution of such beverage is made in the front of such room or place where a partition wall separates the place from the pool or billiard parlor. (1972 Code, § 2-214)

8-213. Wholesalers, etc., to make deliveries to licensed retailers only. It shall be unlawful for wholesalers, distributors, or manufacturers of beer, or any of their salesmen or representatives, to sell or deliver beer to persons other than the holders of valid retail beer permits. It shall be the duty of such wholesalers, distributors and manufacturers, their salesmen and representatives, to ascertain whether or not purchasers are holders of valid retail beer permits. (1972 Code, § 2-218)

8-214. Minors not to purchase, attempt to purchase, or possess beer. It shall be unlawful for any minor to purchase or attempt to purchase any beverage regulated hereunder, and it shall be unlawful for any minor to possess any such beverage upon the premises of an on-premises permittee.

It shall be unlawful for any minor to present or offer to any permittee, his agent or employee, any false or fraudulent written evidence of his age for the purpose of purchasing or attempting to purchase or otherwise procure such beverage.

Any minor who acts in violation of any one or more of the provisions of this section shall be deemed guilty of a misdemeanor and if eighteen (18) years of age, or more, shall, upon conviction, be subject to a fine under the general penalty clause of this code; if seventeen (17) years of age, or less, he shall be taken before the juvenile judge for appropriate disposition. (1972 Code, § 2-220)

8-215. Hours of sale. Any permittee of the city having a permit for sale of beer for on premises consumption may sell beer for on premises consumption at any time when a permittee of the Tennessee Alcoholic Beverage Commission having a permit for sales for on premises consumption (liquor by the drink) may lawfully make sales for on premises consumption.

No permittee of the city shall sell, give away, or otherwise dispense beer for off premises consumption except between the hours of eight o'clock A.M. (8:00 A.M.) and three o'clock A.M. (3:00 A.M.) the following day on Monday through Saturday and between ten o'clock A.M. (10:00 A.M.) on Sunday and three o'clock A.M. (3:00 A.M.) on the following Monday. (1972 Code, § 2-221, as amended by Ord. #1557, July 2018 ***Ch20_5-7-19***, and replaced by Ord. #1651, May 2022 ***Ch21_07-05-22***, and amended by Ord. #1725, Aug. 2024 ***Ch23_08-06-24***)

8-216. Sanitation requirements for premises covered by on-premises permit. Any person holding a permit under this chapter for the sale of beer for consumption on the premises, shall keep and maintain the premises in a clean and sanitary condition. The requirements shall be the equivalent of that required for a rating of Class "B," or better, as established by the Tennessee State Department of Conservation, Division of Hotel and Restaurant Inspections. The city health officer or any properly authorized person is hereby authorized to enter the premises of an on-premises permittee

at any reasonable hour for the making of such inspections as may be necessary. The determination of the sanitary conditions is solely a question for the City of Manchester. (1972 Code, § 2-222)

8-217. Employees liable for violations. Any employee of any permittee, either retailer or wholesaler, who violates any provision of this chapter or any provision of the State Beer Act shall be guilty of a misdemeanor. (1972 Code, § 2-223)

8-218. Special event beer permit. The beer board may issue a special event beer permit to any applicant who would qualify for a regular permit under this title. Said special event beer permit shall be issued for on premises consumption and only for a limited duration, as specified in the permit.
In addition to the requirements set forth in § 8-207, the following requirements must be met before a special event beer permit will be issued:

(1) The applicant will have obtained a special event permit under title 16 chapter 4 with adequate provision for insurance, clean-up, sanitation and security, as required by that chapter, including the posting of any required bond.

(2) Submitted an application including the information set forth in § 8-207.

(3) Set forth the days, times, locations and a description of the premises where beer will be sold. The beer board may further restrict the hours of sale of beer under a special event beer permit but may not expand the hours beyond those set forth in § 8-215.

(4) Pays a special event beer permit fee of seventy-five dollars ($75.00).

(5) Provides proof of registration with the Tennessee Department of Revenue for payment of any taxes due.

(7) If the premises are not owned by the applicant; proof of a contract or lease allowing the applicant to use the premises for the duration of the permit.

(8) The beer board shall specify the premises upon which sales and consumption are allowed.

(9) Acknowledges that numerous state laws apply to the sale of beer other than the requirements of City of Manchester ordinances.

(10) If the applicant already possesses a permit for on premises consumption at another location; subsections (2), (5) and (8) shall not be required. (as added by Ord. #1525, April 2017)

8-219. Beer permit holders operating mobile food units may sell beer from such units. (1) All beer permit holders must operate a permanent fixed place of business in the City of Manchester.

(2) Any City of Manchester beer permit holder and any holder of a State of Tennessee brewers' permit allowed to make retail or restaurant sales pursuant to Tennessee Code Annotated, § 57-5-101(c)(1), who or which also

lawfully operates a mobile food unit pursuant to title 9 of Manchester Municipal Code, may make beer sales from such mobile food unit within the City of Manchester under the following circumstances:

(a) Any City of Manchester beer permit holder who or which is also a caterer as defined by Tennessee Code Annotated, § 57-4-101(14) may make sales of beer within the City of Manchester coextensive with any sales of alcoholic beverages allowed by the ABC caterers' license.

(b) Except as set forth in subsection (a) above no sales shall be made at times not otherwise permitted by code § 8-215.

(c) Each permit holder shall comply with all state laws regarding the wholesale purchase, transportation and storage of beer.

(d) Sales of beer from a mobile food unit shall be restricted to closed containers. The mobile food unit operator shall advise or shall prominently display a clearly legible sign on such unit advising its customers of the city's prohibition of drinking, consuming or possession of open containers of beer in public areas which is set forth in § 11-101.

(e) The sale of beer from each such mobile food unit shall not exceed twenty percent (20%) of total sales made from each unit at any location in any one (1) day.

(f) Sales of beer from mobile food vendors shall be permitted only in the following zones: Commercial, Residential, Industrial.

(g) No mobile food vendor may make sales of beer at any event required to have a special event permit pursuant to title 16, chapter 4 unless the sponsor of the event has obtained a special event permit.

(h) This code section, to the extent applicable, shall supersede any provision of § 8-218 in conflict.

(i) Each mobile food unit shall prominently display a copy of the permit holder's beer permit.

(j) An annual fee of one hundred dollars ($100.00) is required for each location that mobile food units are selling beer at any given time. (as added by Ord. #1603, Oct. 2020 ***Ch21_07-05-22***, and amended by Ord. #1714, April 2024 ***Ch23_08-06-24***)

CHAPTER 3

LIQUOR FOR CONSUMPTION ON THE PREMISES

SECTION

8-301. Privilege taxes for sale of alcoholic beverages at retail.
8-302. Application requirements for liquor for consumption on the premises.
8-303. [Repealed].

8-301. Privilege taxes for sale of alcoholic beverages at retail. There is hereby levied against all retail establishments selling at retail in this city any alcoholic beverages for consumption on the premises, a privilege tax pursuant and identical to the provisions of Tennessee Code Annotated, § 57-4-301, which is incorporated herein by reference as though the same were fully set forth herein, and those privilege taxes provided in that section are levied at the same amounts by the City of Manchester, Tennessee. This section shall apply to private clubs as well as hotels and motels and all other establishments enumerated in that statute. (Ord. #748B, Oct. 1995)

8-302. Application requirements for liquor for consumption on the premises. Before any person, firm or organization may sell liquor for consumption on the premises in the City of Manchester pursuant to a license issued by the State of Tennessee Alcoholic Beverage Commission, the seller must have executed and filed with the Finance Director of the City of Manchester, an application for liquor permit on a form provided and approved by the finance director. (Ord. #748B, Oct. 1995, as amended by Ord. #808, Jan. 1998)

8-303. [Repealed]. (Ord. #748B, Oct. 1995, as repealed by Ord. #1153, Oct. 17, 2006)

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.[1]

CHAPTER

1. MISCELLANEOUS.
2. PEDDLERS AND SOLICITORS.
3. [REPEALED].
4. TAXICABS.
5. POOL ROOMS.
6. [DELETED].
7. CABLE TELEVISION.
8. MOBILE FOOD UNITS.

CHAPTER 1

MISCELLANEOUS

SECTION

9-101. "Going out of business" sales.
9-102. Deleted.
9-103. Employment of any persons not legally in the United States.

9-101. "Going out of business" sales. It shall be unlawful for any person to falsely represent a sale as being a "going out of business" sale. A "going out of business" sale, for the purposes of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location. When any person, after advertising a "going out of business" sale, adds to his stock or fails to go out of business within ninety (90) days he shall prima facie be deemed to have violated this section. (1972 Code, § 5-102)

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[1]Municipal code references
Building, plumbing, wiring and housing regulations: title 12.
Liquor and beer regulations: title 8.
Noise reductions: title 11.
Zoning: title 14.

9-102. Deleted. (1972 Code, § 5-101, as deleted by Ord. #1628, Sept. 2021 ***Ch21_07-05-22***)

9-103. Employment of any persons not legally in the United States. It shall be unlawful for any person, firm, corporation, or association operating a general merchandise store, hardware, jewelry, furniture or grocery store, super market, meat market or other similar establishments in the municipality to employ any person or persons who are not legally in the United States. (as added by Ord. #1155, Nov. 2006)

CHAPTER 2

PEDDLERS AND SOLICITORS[1]

SECTION

9-201. Definitions.
9-202. Exemptions.
9-203. Permit required.
9-204. Permit procedure.
9-205. Restrictions on peddlers, street barkers and solicitors.
9-206. Restrictions on transient vendors.
9-207. Display of permit.
9-208. Suspension or revocation of permit.
9-209. Expiration and renewal of permit.
9-210. Violation and penalty.
9-211. [Repealed.]
9-212. [Repealed.]
9-213. [Repealed.]

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

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

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

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

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[1]Municipal code reference
Privilege taxes: title 5.

"charitable" or "religious" organization unless the organization meets one of the following conditions:

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

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

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

(d) Is a professional solicitor directly contracted to an organization which meets one of the preceding qualifications.

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

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

(6) "Street barker" means any peddler who does business during recognized festival or parade days in the city and who limits his business to selling or offering to sell novelty items and similar goods in the area of the festival or parade. (1972 Code, § 5-201, as replaced by Ord. #966, Jan. 2002)

9-202. <u>Exemptions</u>. The terms of this chapter shall neither apply to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to persons selling agricultural products, who, in fact themselves produced the products being sold, nor to sales inside the fenced area at the Coffee County Fairgrounds. The permit under this chapter shall not be required for operations conducted solely on the first weekend of October. (1972 Code, § 5-202, as replaced by Ord. #966, Jan. 2002, and amended by Ord. #993, June 2002,

Ord. #1343, Oct. 2012, Ord. #1390, Sept. 2013, Ord. #1434, Sept. 2014, and Ord. #1466, July 2015, and replaced by Ord. #1704, Nov. 2023 ***Ch23_08-06-24***)

9-203. Permit required. No person, firm or corporation shall operate a business as a peddler, transient vendor, solicitor or street barker, and no solicitor for charitable or religious purposes or solicitor for subscriptions shall solicit within the city unless the same has obtained a permit from the city in accordance with the provisions of this chapter. (1972 Code, § 5-203, as amended by Ord. #808, Jan. 1998, and replaced by Ord. #966, Jan. 2002)

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

(a) The complete name and permanent address of the business or organization the applicant represents.

(b) A brief description of the type of business and the goods to be sold.

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

(d) The names and permanent addresses of each person who will make sales or solicitations within the city.

(e) The make, model, complete description, and license tag number and state of issue, of each vehicle to be used to make sales or solicitations, whether or not such vehicle is owned individually by the person making sales or solicitations, by the business or organization itself, or rented or borrowed from another business or person.

(f) Tennessee State sales tax number, if applicable.

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

(3) Permit issued. Upon the completion of the application form and the payment of the permit fee, where required, the finance director shall issue a permit and provide a copy of the same to the applicant.

(4) Submission of application form to chief of police. Immediately after the applicant obtains a permit from the finance director, the finance director shall submit to the chief of police a copy of the application form and the permit. (1972 Code, § 5-204, as amended by Ord. #808, Jan. 1998, replaced by Ord. #966, Jan. 2002, and amended by Ord. #988, May 2002)

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

(1) Be permitted to set up and operate a booth or stand on or within twenty-five feet (25') of any street, sidewalk, breakdown lane, public right-of-way or in any other public area within the city.

(2) Stand or sit in or within twenty-five feet (25') of the entrance to any dwelling or place of business or in any other place which may disrupt or impede pedestrian or vehicular traffic.

(3) Offer to sell goods or services or solicit in or within twenty-five feet (25') of any vehicular traffic lanes, breakdown lanes or public right-of-way or operate a "road block" of any kind.

(4) Call attention to his business or merchandise or to his solicitation efforts by crying out; by blowing a horn; by ringing a bell; creating other noise or holding or wearing any sign that does not display the name in which the permit required by this section is issued and the permit number in characters at least one inch (1") in height, except that the street barker shall be allowed to cry out to call attention to his business or merchandise during recognized parade or festival days of the city.

(5) Enter in or upon any premises or attempt to enter in or upon any premises wherein a sign or placard bearing the notice "Peddlers or Solicitors Prohibited" or similar language carrying the same meaning is located. (1972 Code, § 5-205, as amended by Ord. #808, Jan. 1998, replaced by Ord. #966, Jan. 2002, and amended by Ord. #1453, May 2015)

9-206. Restrictions on transient vendors. A transient vendor shall not advertise, represent, or hold forth a sale of goods, wares or merchandise as an insurance, bankrupt, insolvent, assignee, trustee, estate, executor, administrator, receiver's manufacturer's wholesale, cancelled order, or misfit sale, or closing-out sale, or a sale of any goods damaged by smoke, fire, water or otherwise, unless such advertisement, representation or holding forth is actually of the character it is advertised, represented or held forth. (1972 Code, § 5-206, as amended by Ord. #808, Jan. 1998, and replaced by Ord. #966, Jan. 2002)

9-207. Display of permit. Each peddler, street barker, solicitor, solicitor for charitable purposes or solicitor for subscriptions is required to have in his possession a valid permit while making sales or solicitations, and shall be required to display the same to any police officer upon demand. (1972 Code, § 5-207, as replaced by Ord. #966, Jan. 2002)

9-208. Suspension or revocation of permits. (1) Suspension by the finance director. The permit issued to any person or organization under this charter may be suspended by the finance director for any of the following causes:

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

(b) Any violation of this chapter.

(2) Suspension or revocation by the board of mayor and aldermen. The permit issued to any person or organization under this chapter may be suspended or revoked by the board of mayor and aldermen, after notice and hearing, for the same causes set out in paragraph (1) above. Notice of the hearing for suspension or revocation of a permit shall be given by the finance director in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed to the permit holder at his last known address at least five (5) days prior to the date set for hearing, or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (1972 Code, § 5-208, as replaced by Ord. #966, Jan. 2002)

9-209. Expiration and renewal of permit. The permit of peddlers, solicitors and transient vendors shall expire on the same date that the permit holder's privilege license expires. The registration of any peddler, solicitor, or transient vendor who for any reason is not subject to the privilege tax shall be issued for six (6) months. The permit of street barkers shall be for a period corresponding to the dates of the recognized parade or festival days of the city. The permit of solicitors for religious or charitable purposes and solicitors for subscriptions shall expire on the date provided in the permit, not to exceed thirty (30) days. (1972 Code, § 5-209, as replaced by Ord. #966, Jan. 2002)

9-210. Violation and penalty. In addition to any other action the city may take against a permit holder in violation of this chapter, such violation shall be punishable by a penalty of up to fifty dollars ($50.00) for each offense. Each day a violation occurs shall constitute a separate offense. (1972 Code, § 5-210, as replaced by Ord. #966, Jan. 2002)

9-211. [Repealed.] This section was repealed by Ord. #966, Jan. 2002. (1972 Code, § 5-211, as amended by Ord. #808, Jan. 1998, and repealed by Ord. #966, Jan. 2002)

9-212. [Repealed.] This section was replaced by Ord. #966, Jan. 2002. (1972 Code, § 5-212, as repealed by Ord. #966, Jan. 2002)

9-213. [Repealed.] This section was replaced by Ord. #966, Jan. 2002. (1972 Code, § 5-213, as repealed by Ord. #966, Jan. 2002)

CHAPTER 3

[REPEALED]

This chapter was repealed by Ord. #966, Jan. 2002.

CHAPTER 4

TAXICABS[1]

SECTION

9-401. Taxicab franchise and privilege license required.
9-402. Requirements as to application and hearing.
9-403. Liability insurance required.
9-404. Revocation or suspension of franchise.
9-405. Mechanical condition of vehicles.
9-406. Cleanliness of vehicles.
9-407. Inspection of vehicles.
9-408. License and permit required for drivers.
9-409. Qualifications for driver's permit.
9-410. Revocation or suspension of driver's permit.
9-411. Drivers not to solicit business.
9-412. Parking restricted.
9-413. Drivers to use direct routes.
9-414. Taxicabs not to be used for illegal purposes.
9-415. Miscellaneous prohibited conduct by drivers.
9-416. Transportation of more than one passenger at the same time.

9-401. Taxicab franchise and privilege license required. It shall be unlawful for any person to engage in the taxicab business unless he has first obtained a taxicab franchise from the municipality and has a currently effective privilege license.

"Taxicab" for the purpose of this chapter shall mean any private passenger vehicle for hire, including but not limited to a limousine, sedan or taxicab, as defined by Tennessee Code Annotated, § 7-51-1007.

An annual franchise fee of one hundred fifty dollars ($150.00) for operators of one (1) to five (5) taxicabs; two hundred dollars ($200.00) for operators of six (6) to ten (10) taxicabs; two hundred fifty dollars ($250.00) for operators of eleven (11) to twenty (20) taxicabs and three hundred dollars ($300,00) for operators of more than twenty (20 +) taxicabs shall be due upon the approval of the franchise or additional franchise. No franchise fee shall be due for franchises for existing taxicabs until the first anniversary of the franchise. (1972 Code, § 5-401, as amended by Ord. #1454, May 2015)

9-402. Requirements as to application and hearing. No person shall be eligible for a taxicab franchise if he has been convicted of a felony, any

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[1]Municipal code reference
Privilege taxes: title 5.

theft or assaultive offense within the last ten (10) years. Applications for taxicab franchises shall be made under oath and in writing to the chief of police. The application shall state the name and address of the applicant; the name and address of the proposed place of business; the number of cabs the applicant desires to operate; the makes and models of said cabs and such other pertinent information as the chief of police may require. Within ten (10) days after receipt of an application, the chief of police shall make a thorough investigation of the applicant; determine if there is a public need for additional taxicab service; present the application to the governing body and make a recommendation to either grant or refuse a franchise to the applicant. The governing body shall thereupon hold a public hearing at which time witnesses for and against the granting of the franchise shall be heard. In deciding whether or not to grant the franchise, the governing body shall consider the public need for additional service; the increased traffic congestion; parking space requirements and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such an additional taxicab franchise. Those persons already operating taxicabs when this code is adopted shall not be required to make applications under this section but shall be required to comply with all of the other provisions hereof. Prior to the hearing on the application, the chief of police shall conduct a Tennessee Bureau of Investigation (T.B.I.) and other criminal background search as he deems prudent, the cost of which shall be paid by the applicant in addition to the franchise fee. (1972 Code, § 5-402, as replaced by Ord. #1454, May 2015)

9-403. Liability insurance required. No taxicab franchise shall be issued or continued in operation unless there is in full force and effect a liability insurance policy for each vehicle authorized in the amount of two hundred fifty thousand dollars ($250,000.00) for bodily injury or death to any one (1) person, five hundred thousand dollars ($500,000.00) for bodily injuries or death to more than one (1) person which are sustained in the same accident, and two hundred fifty thousand dollars ($250,000.00) for property damage resulting from any one (1) accident, or alternatively combined single limit coverage of five hundred thousand dollars ($500,000.00). The insurance policy required by this section shall contain a provision that it shall not be cancelled except after at least twenty (20) days' written notice is given by the insurer to both the insured and the finance director of the municipality. Proof of compliance with this section shall be filed with the finance director. The safety committee shall approve an appropriate form for completion by franchises documenting compliance with this section. (1972 Code, § 5-403, as amended by Ord. #808, Jan. 1998, Ord. #1305, Aug. 2011, and Ord. #1454, May 2015)

9-404. Revocation or suspension of franchise. The governing body, after a public hearing, may revoke or suspend any taxicab franchise for

misrepresentations or false statements made in the application therefor or for traffic violations or violations of this chapter by the taxicab owner or any driver. (1972 Code, § 5-404)

9-405. Mechanical condition of vehicles. It shall be unlawful for any taxicab to operate in the municipality unless it is equipped with four (4) wheel brakes, front and rear lights, safe tires, horn, muffler, windshield wipers, and rear vision mirror, all of which shall conform to the requirements of state law. Each taxicab shall be equipped with a handle or latch or other opening device attached to each door of the passenger compartment so that such doors may be operated by the passenger from the inside of the taxicab without the intervention or assistance of the driver. The motor and all mechanical parts shall be kept in such condition or repair as may be reasonably necessary to provide for the safety of the public and the continuous satisfactory operation of the taxicab. (1972 Code, § 5-405)

9-406. Cleanliness of vehicles. All taxicabs operated in the municipality shall, at all times, be kept in a reasonably clean and sanitary condition. They shall be thoroughly swept and dusted at least once each day. At least once every week they shall be thoroughly washed and the interior cleaned with a suitable antiseptic solution. (1972 Code, § 5-406)

9-407. Inspection of vehicles. All taxicabs shall be inspected at least semiannually by the chief of police to insure that they comply with the requirements of this chapter with respect to mechanical condition, cleanliness, etc. An inspection fee of twenty-five dollars ($25.00) per taxicab shall be collected for each semi-annual inspection.

The safety committee shall approve a form detailing the inspection, which shall require inclusion of the vehicle's Vehicle Identification Number (VIN). Upon completion of successful inspection, the chief of police shall issue a certificate memorializing the successful completion of the inspection, which shall likewise contain the VIN of the vehicle inspected. This certificate shall be displayed in the vehicle when carrying passengers. (1972 Code, § 5-407, as amended by Ord. #1454, May 2015, and Ord. #1476, Dec. 2015)

9-408. License and permit required for drivers. No person shall drive a taxicab unless he is in possession of the required Tennessee driver's license for operation of a taxicab which allows the driver to transport passengers for hire, and a taxicab driver's permit issued by the city. (1972 Code, § 5-408, as amended by Ord. #1305, Aug. 2011, and Ord. #1454, May 2015)

9-409. Qualifications for driver's permit. No person shall be issued a taxicab driver's permit unless he complies with the following to the satisfaction of the chief of police:

(1) Makes written application to the chief of police on a form approved by the safety committee.

(2) Is at least eighteen (18) years of age and holds the appropriate Tennessee driver's license to be permitted to operate a taxicab.

(3) Undergoes an examination by a physician and is found to be of sound physique, with good eyesight and hearing and not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might render him unfit for the safe operation of a public vehicle.

The results of this examination shall be reviewed by the chief of police or his designee. The franchisee shall maintain the record of this examination and findings for so long as the individual is employed by the franchisee and for eighteen (18) months thereafter. The franchisee shall produce this information at any time upon demand of the chief of police or his designee.

(4) Is clean in dress and person and not addicted to the use of intoxicating liquor or drugs.

(5) Has not been convicted of a felony, driving under the influence of an intoxicant or drug, any theft or assaultive offense or of frequent traffic offenses.

(6) Is familiar with the state and local traffic laws.

(7) The chief of police shall conduct a T.B.I. background and other appropriate background checks of each applicant prior to issuing the permit required by this section. The cost of any such background check shall be advanced by the applicant. (1972 Code, § 5-409, as amended by Ord. #1305, Aug. 2011, Ord. #1454, May 2015, and Ord. #1475, Dec. 2015)

9-410. Revocation or suspension of driver's permit. The governing body, after a public hearing, may revoke or suspend any taxicab driver's permit for traffic violations failing to continue to meet the requirements of § 9-409 or any violation of this chapter. (1972 Code, § 5-410, as amended by Ord. #1454, May 2015)

9-411. Drivers not to solicit business. All taxicab drivers are expressly prohibited from indiscriminately soliciting passengers or from cruising upon the streets of the municipality for the purpose of obtaining patronage for their cabs. (1972 Code, § 5-411)

9-412. Parking restricted. It shall be unlawful to park any taxicab on any street except in such places as have been specifically designated and marked by the municipality for the use of taxicabs. It is provided, however, that taxicabs may stop upon any street for the purpose of picking up or discharging

passengers if such stops are made in such manner as not to unreasonably interfere with or obstruct other traffic and provided the passenger loading or discharging is promptly accomplished. (1972 Code, § 5-412)

9-413. Drivers to use direct routes. Taxicab drivers shall always deliver their passengers to their destinations by the most direct available route. (1972 Code, § 5-413)

9-414. Taxicabs not to be used for illegal purposes. No taxicab shall be used for or in the commission of any illegal act, business, or purpose. (1972 Code, § 5-414)

9-415. Miscellaneous prohibited conduct by drivers. It shall be unlawful for any taxicab driver, while on duty, to be under the influence of, or to drink any intoxicating beverage or beer; to use profane or obscene language; to shout or call to prospective passengers; to unnecessarily blow the automobile horn; or to otherwise disturb the peace, quiet and tranquility of the municipality in any way. (1972 Code, § 5-415)

9-416. Transportation of more than one passenger at the same time. No person shall be admitted to a taxicab already occupied by a passenger without the consent of such other passenger. (1972 Code, § 5-416)

CHAPTER 5

POOL ROOMS[1]

SECTION

9-501. Permit required.
8-502. Application requirements.
9-503. Disposition of applications.
9-504. Investigation of applications.
9-505. False statement in application.
9-506. Issuance or refusal of permit.
9-507. Term of permit.
9-508. Hours of operation restricted.
9-509. Deleted.
9-510. Miscellaneous other prohibitions.
9-511. Enforcement.
9-512. Appeals.

9-501. Permit required. No person shall engage in the operation of a pool room or billiard parlor without applying for and receiving a permit from the city and thereafter operating such place of business in accordance with the provisions of this chapter. (1972 Code, § 5-501)

9-502. Application requirements. Applications for pool room or billiard parlor permits shall be made in writing and under oath to the chief of police and shall establish the following:

(1) Name and location of the pool room or billiard parlor.

(2) Names and addresses of owners and proposed operators and employees and that they are all of good character and reputation.

(3) That no owner, operator or employee has been convicted of a felony or of a gambling violation within the past five (5) years.

(4) The number of pool or billiard tables to be operated.

(5) That proper sanitary facilities shall be provided.

(6) That there is a front window not less than five (5) feet in height and not more than three (3) feet above the sidewalk which offers a clear view of the interior of the premises. (1972 Code, § 5-502)

9-503. Disposition of applications. Applications for pool room or billiard parlor permits shall be kept on file by the chief of police and shall be open to inspection by the public at all reasonable times. (1972 Code, § 5-503)

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[1]Municipal code reference
Privilege taxes: title 5.

9-504. Investigation of applications. Upon receipt of an application the chief of police shall investigate or cause to be investigated all the owners, proposed operators and employees, and the premises to ascertain whether they meet the requirements of this chapter. (1972 Code, § 5-504)

9-505. False statement in application. Any applicant making a false statement in his application shall forfeit his right to a permit and shall not be eligible for another permit for at least one (1) year from the date such false statement is discovered. (1972 Code, § 5-505)

9-506. Issuance or refusal of permit. When the police investigation reveals that the applicant has met all the requirements of this chapter he shall recommend in writing that the permit be issued. The finance director shall thereupon issue the permit upon the applicant's paying an investigation fee of two dollars ($2.00).

When the police investigation reveals that the applicant has failed to meet all the requirements of this chapter or has made a false statement in his application the police chief shall deny the permit and state his reasons therefor in writing. (1972 Code, § 5-506, as amended by Ord. #808, Jan. 1998)

9-507. Term of permit. When a permit for a pool room or billiard parlor has been issued it shall remain in full force and effect until revoked. However, no such permit shall be transferrable to any other person or location. (1972 Code, § 5-507)

9-508. Hours of operation restricted. No place where pool tables or billiard tables are kept for public use or hire shall be opened or operated at any time on Sunday or between the hours of 11:00 P.M. and 5:00 A.M. on other days. (1972 Code, § 5-508)

9-509. Deleted. (1972 Code, § 5-509, as deleted by Ord. #1628, Sept. 2021 ***Ch21_07-05-22***)

9-510. Miscellaneous other prohibitions. It shall be unlawful for any person engaged in any business regulated by this chapter to sell, distribute, or allow to be consumed on the premises any alcoholic beverages; to fail to provide and maintain proper sanitary facilities; to interfere in any way with the view into the premises through the required front window; to allow any drunkenness, obscenity, profanity, loud noises, boisterous conduct, or any other unlawful conduct on the premises. (1972 Code, § 5-510, modified)

9-511. Enforcement. It shall be the duty of the chief of police to see that all pool rooms and billiard parlors are patrolled and regularly inspected to

insure compliance with the provisions of this chapter. When any violation is observed he shall charge the operator with such violation and shall revoke the permit of such operator. (1972 Code, § 5-511)

9-512. Appeals. Any person, firm, corporation, or association aggrieved by any action of the chief of police with respect to granting, refusing, or revoking any permit for a pool room or billiard parlor shall have the right to appeal to the board of mayor and aldermen within ten (10) days from the date of the chief's decision or action. The appeal shall be filed in writing with the finance director or mayor, shall set forth the reasons therefor, and may be delivered in person or by mail. (1972 Code, § 5-512, as amended by Ord. #808, Jan. 1998)

CHAPTER 6

[DELETED]

(as deleted by Ord. #1628, Sept. 2021 ***Ch21_07-05-22***)

CHAPTER 7

CABLE TELEVISION

SECTION

9-701. To be furnished under franchise.

9-701. To be furnished under franchise. Cable television service shall be furnished to the City of Manchester and its inhabitants under franchise as the board of mayor and aldermen shall grant. The rights, powers, duties and obligations of the City of Manchester and its inhabitants and the grantee of the franchise shall be clearly stated in the franchise agreement which shall be binding upon the parties concerned.[1]

[1]For complete details relating to the cable television franchise agreement see Ord. #1252 dated December 2009 in the office of the finance director.

CHAPTER 8

MOBILE FOOD UNITS

SECTION

9-801. Definitions.
9-802. Mobile food units.
9-803. Permit requirements.
9-804. Operational requirements.
9-805. Compliance with health regulations.

9-801. Definitions. For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(1) "Commissary" means any State of Tennessee licensed stationary food establishment that serves mobile food dispensers, mobile food facilities, vending machines or other food dispensing operations where (a) food, containers or supplies are stored; (b) food is prepared or prepackaged for sale or service at other locations; (c) utensils are cleaned or (d) liquid and solid wastes are disposed of or potable water is obtained.

(2) "Mobile food unit" means any motorized vehicle that includes a self-contained kitchen in which food is prepared or processed and from which food is sold or dispensed to the ultimate customer. Mobile food units must be mobile and on wheels at all times during operation.

(3) "Operator" means any person holding a mobile food unit permit or any person who is engaged in the selling or offering for sale of food, beverages and fruit or like consumable products from a mobile food unit. (as added by Ord. #1546, Jan. 2018)

9-802. Mobile food units. Mobile food units shall meet all applicable requirements of this article in addition to the requirements as follow:

(1) No person shall engage in the business of a mobile food unit within the City of Manchester without first having obtained all required business licenses, a mobile food unit permit as required by this chapter of the Manchester Municipal Code and any permits, licenses and/or certifications required by Coffee County, the Coffee County Department of Health and/or the State of Tennessee.

(2) A mobile food unit permit, as authorized by the State of Tennessee and the Manchester Municipal Code, will not be issued to a person unless the following conditions are met:

(a) The vehicle must be specially designed or modified for use solely as a mobile food unit and be in compliance with all applicable

health regulations contained herein and those enacted by Coffee County and the State of Tennessee.

(b) The driver of the vehicle must have a current Tennessee driver's license, current automobile (vehicle) insurance and current general liability insurance in amounts no less than one million dollars ($1,000,000.00) each, and current vehicle registration as required by Tennessee law. This provision may be enforced by law enforcement authorities, the codes and health director or his designee. Proof of registration and valid insurance policies for both coverages shall be provided to the codes and health director at the time of application and shall be kept in the mobile unit at all times. It shall be produced on demand of any law enforcement officer or the codes and health director or his designee. The codes and health director shall have the authority to order any unit closed which does not meet this requirement.

(c) All current permits must be posted in a conspicuous manner, in compliance with Tennessee Code Annotated, § 68-14-305.

(3) The provisions of the foregoing sections, excepting compliance with state requirements and a City of Manchester business license, shall not apply to operation of mobile food units at events which are submitted to and approved as part of the special events permit procedure, provided the presence of "mobile food units" is submitted and approved as part of the special events permit application.

(4) Operation of mobile food units on property under the supervision of the recreation commission, including operation as part of a special events permit, must comply with the requirements of this section and is subject to such further conditions as it may specify, as set forth in operational requirements § 9-804(2)(f). (as added by Ord. #1546, Jan. 2018)

9-803. Permit requirements. (1) The title of this permit shall be the "Mobile Food Unit Permit."

(2) No person shall sell or offer for sale any food, beverage, fruit or like consumable product from any mobile food unit unless:

(a) Such person obtains a mobile food unit permit from the city finance director in accordance with the provisions of this chapter;

(b) Such sales are made from a mobile food unit under the control of a mobile food unit operator;

(c) The mobile food unit operator:

(i) Has obtained written permission from the owner or lessee of the premises on which the mobile food unit is located to operate a mobile food unit from the property or

(ii) The mobile food unit is operated on public property strictly in accordance with this chapter.

(3) Any person desiring a mobile food unit permit shall make written application to the codes and health director stating:

(a) Name, home address, business address and telephone number of the applicant and the name, address and telephone number of the owner of the mobile food unit, if other than the applicant, to be used in the operator's business;

(b) A description of the type of food, beverage, fruit or like consumable product to be sold; and

(c) The VIN#, a brief description including make and model and at least two (2) photographs of the mobile food unit.

(4) Before any permit is issued by the finance director under this chapter, the applicant must submit satisfactory evidence that he has complied with the state business tax act and all state statutes and regulations controlling health and dispensing of food. Nothing herein shall excuse any applicant/ operator from complying with all applicable state statutes and city ordinances controlling health standards and requirements and the operation of businesses.

(5) Upon compliance with the provisions of this section, as determined by the codes and health director and the finance director; the finance director shall issue to the applicant a mobile food unit permit authorizing the operator to do business upon payment of a permit fee of fifty dollars ($50.00), provided the applicant complies with the other provisions of this article. The permit fee shall be used to help defray the cost of administering and enforcing the provisions of this article.

(6) A permit issued under this article shall be valid for one (1) year from the date of issuance and shall be renewed on an annual basis (concurrent with the renewal and issuance of business licenses) upon proper application and payment of the permit fee. Each permit shall be valid for only one (1) mobile food unit. Each operator and/or applicant shall file an additional application and pay an additional permit fee for each additional mobile food unit.

(7) All permits issued under this article shall be displayed inside the mobile food unit at all times during the operation of the mobile food unit. The permit shall be displayed in such a manner that it can be viewed from the outside.

(8) The mobile food unit permit number shall be prominently displayed on the outside of the mobile food unit.

(9) The operator shall have posted the current price per unit of measure for each type of item sold. (as added by Ord. #1546, Jan. 2018)

9-804. <u>Operational requirements</u>. (1) The vehicle may only operate in locations were the operation of mobile food units are permitted under this chapter. Violations will be enforced by city police officers and/or the health and codes department.

(2) Mobile food units are prohibited from operating upon city streets, sidewalks, park areas or other public property within the Manchester city limits, except as follows:

(a) In the downtown business district in the parking spaces of the 100 block of North Irwin, West Fort, North Spring and West Main Streets and parking spaces on those streets that immediately adjoin the Coffee County Courthouse property (parking spaces which are located in the center and around the outside perimeter of the square).

(b) No part of a mobile food unit may be located within one hundred feet (100') of a public entrance to a fixed location licensed food service establishment when such establishment is open for business.

(c) The mobile food unit along with the required refuse containers and area for patrons may not occupy more than two (2) marked parking spaces. Operation in areas other than parking spaces is prohibited.

(d) The mobile food unit may not be connected to any privately owned power source, water source or sewage receptacle either temporarily or permanently. The unit must be self-contained.

(e) The unit must remain in operation and open for business at all times when located in the downtown business district. Upon cessation of business, the unit must be immediately removed.

(f) In areas under the jurisdiction of the parks and recreation commission, at such times and places and for such duration as it may designate. The Parks and recreation commission shall set an appropriate "booth" or space rental fee for each event or activity at which it approves. The parks and recreation commission cannot limit or grant a franchise to any particular licensed operator; but, may limit the total number of operators at any event to not less than three (3). It must grant access on an equal basis to any operator. All operators must meet all requirements of this chapter.

(3) Mobile food units are prohibited from operating on private property, except with prior written permission from the owner or lessee on which the mobile food unit is located. This written permission must be kept in the mobile food unit at all times and presented to the codes and health director, his designee or any police officer on demand.

(4) Mobile food units on private property may operate in all zoning districts.

(5) Other than as permitted in subsection (1), mobile food units must not be parked within ten feet (10') of a city right-of-way.

(6) No mobile food unit shall be equipped with any external electronic sound-amplifying device. No operator shall shout, make any noise or use any device for the purpose of attracting attention to the mobile food unit or the items it offers for sale.

(7) Mobile food units shall be limited to the sale of food, non-alcoholic drinks and promotional merchandise specifically and permanently marked with promotional messages or images promoting the mobile food unit operator's mobile food business, such as cups, cup holders or insulators, caps, shirts, bumper stickers and calendars. The sale of other merchandise or services is not permitted.

(8) Cooking must not be conducted while the vehicle is in motion.

(9) When not in use and open for business, as allowed by this chapter, a mobile food unit shall be en route to or parked at its commissary or other location approved by the codes and health department that does not violate an applicable city ordinance.

(10) Signs which are permanently affixed to the mobile food unit shall extend no more than six inches (6") from the vehicle. All signs shall be attached to or painted on the mobile food unit. Electronic signs are prohibited, as are signs that flash; cause interference with radio, telephone, television or other communication transmissions; produce or reflect motion pictures; emit visible smoke, vapor, particles or odor or are animated or produce any rotation, motion or movement. Signs may be indirectly illuminated, but no sign shall utilize any exposed incandescent lamp with wattage of more than forty (40) watts.

(11) The operator must provide for the sanitary collection of all refuse, litter and garbage within twenty-five feet (25') of the mobile food unit which is generated by the mobile food unit operation or the patrons using that service and shall remove all such waste materials from the location before the vehicle departs. This includes a responsibility to physically inspect the general area for such items prior to the vehicle's departure.

(12) The operation of the mobile food unit is limited to the interior of the unit. There shall be no outside seating implements in the form of benches, tables, chairs or other furniture which may be used for eating or sitting.

(13) The mayor or his designated representative is hereby authorized to make and promulgate rules and regulations for the purpose of carrying out the administration and enforcement of the rights and duties of vendors and the public. (as added by Ord. #1546, Jan. 2018)

9-805. Compliance with health regulations. (1) Operators of mobile food units shall comply with all regulations and laws governing mobile food service establishments and food service establishments adopted by the department of public health for Coffee County, the City of Manchester and/or enacted by the State of Tennessee.

(2) Operators of mobile food units shall obtain all necessary health certificates and permits.

(3) Operators of mobile food units shall comply with the requirements for the examination of employees as required by state law. (as added by Ord. #1546, Jan. 2018)

TITLE 10

ANIMAL CONTROL

CHAPTER
1. IN GENERAL.
2. DOGS.
3. VICIOUS DOGS.

CHAPTER 1

IN GENERAL

SECTION
10-101. Running at large prohibited.
10-102. Keeping near a residence or business restricted.
10-103. Pen or enclosure to be kept clean.
10-104. Keeping of fowl.
10-105. Keeping in such manner as to become a nuisance prohibited.
10-106. [Repealed.]
10-107. Seizure and disposition of animals.
10-108. Health officer.
10-109. Authority of health officer to issue ordinance summonses.
10-110. Noisy animals prohibited.
10-111. Animal tethering.

10-101. Running at large prohibited. It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, horses, mules or goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, to knowingly or negligently permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. (1972 Code, § 3-101)

10-102. Keeping near a residence or business restricted. No person shall keep any animal or fowl enumerated in the preceding section within one thousand (1,000) feet of any residence, place of business, or public street, without a permit from the health officer. The health officer shall issue a permit only when in his sound judgment the keeping of such an animal in a yard or building under the circumstances as set forth in the application for the permit will not injuriously affect the public health. The keeping of fowl and the permit therefor shall comply with and be further governed by § 10-104. (1972 Code, § 3-102, as amended by Ord. #1630, Oct. 2021 ***Ch21_07-05-22***)

10-103. Pen or enclosure to be kept clean. When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or

enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1972 Code, § 3-103)

10-104. Keeping of fowl. These provisions shall specifically apply to the keeping of fowl within the City of Manchester. These provisions are supplementary to any other provisions of Manchester Municipal Code. To the extent there is a conflict; the more stringent provisions shall control.

(1) No person shall keep fowl within the City of Manchester in such a manner that a nuisance is created.

(2) The keeping of fowl shall be in compliance with all applicable zoning laws of Manchester Municipal Code.

(3) Only the keeping of domesticated hens is permitted. Keeping of male fowl of any type is not permitted. Keeping of pea fowl of any type is not permitted.

(4) An annual permit issued by the city shall be required for the keeping of domesticated hens where allowed by Manchester Municipal Code, provided that no permit shall be required for property that is zoned for agricultural uses.

(a) The annual permit to keep domesticated hens may not be assigned to another person. In addition, the permit authorizes the keeping of domesticated hens only upon the property described in the permit. The permittee must occupy the residence on the property where the domesticated hens are kept as the permittee's personal, primary residence. An applicant for a permit for residential property must either own the property or have written permission from the property owner to be eligible for a permit.

(b) Only one (1) permit is allowed per permittee. In the event the permittee is absent from the property for longer than sixty (60) days; the permit automatically shall terminate and become void. The issuance of a permit does not create a vested right to renewal of the permit beyond the stated term thereof.

(c) The first permit year shall extend from the date of issuance through December 31, 2021. Thereafter the permit year shall be January 1 through December 31.

(d) Fees. The fee for an annual permit to keep domesticated hens is twenty-five dollars ($25.00).

(e) In the event a permit is denied or revoked; the affected permittee or potential permittee may appeal that decision to the street committee. The street committee's decision shall be final. Any such appeal to the street committee must be in writing and filed with the finance director no later than ten (10) days after the first adverse action.

(5) Food storage and removal. All stored food for the domesticated hens must be kept either indoors or in a weather-resistant container designed to prevent access by animals. Uneaten food shall be removed daily.

(6) Enclosure.

(a) All domesticated hens shall be kept outside of a habitable structure in a predator-proof enclosure, a portion of which must be a covered henhouse, and a portion of which must be a fenced area complying with the provisions of Manchester Municipal Code applicable to the construction of fences.

(b) In addition to the fenced enclosure, hens shall be provided with a covered, predator-resistant henhouse. A minimum of two (2) square feet per hen shall be provided for henhouses and six (6) square feet per bird for fenced enclosures.

(c) Fenced enclosures and henhouses must be properly ventilated, clean, dry and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact.

(d) The henhouse and fenced enclosure must provide adequate ventilation, adequate sun and shade and must be constructed in a manner to resist access by rodents, wild birds and predators, including dogs and cats.

(e) Henhouses shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator- and bird-resistant wire of less than one inch (1") openings.

(7) Sanitation, nuisance and humane treatment.

(a) Waste storage and removal. Provision must be made for the storage and removal of chicken manure. All manure for composting or fertilizing soil shall be contained in a well-aerated garden compost pile. All other manure not used for composting or fertilizing shall be removed. In addition, the henhouse and surrounding area must be kept free from all trash and accumulated droppings.

(b) No perceptible odor from the hens or the hen enclosure shall be present at any property line.

(c) All feed shall be stored in a rodent and predator-proof container having a metal lid.

(d) No slaughtering of domesticated hens may occur on the property.

(e) No breeding of chickens shall occur on the property.

(f) No domesticated hens shall be used or trained for the purpose of fighting for amusement, sport or financial gain.

(8) Application for permit.[1] Every applicant for a permit to keep domesticated hens shall:

(a) Complete and file an application on the form prescribed by the board of mayor and aldermen.

(b) Deposit the prescribed permit fee with the finance director at the time the application is filed. Any material misstatement or omission shall be grounds for denial, suspension or revocation of the permit.

(c) Include with the application a picture, rendering or design plans of the henhouse(s) to be constructed.

(9) Approval of permit. The health officer (superintendent of public works) shall issue a permit if the applicant submits an affidavit attesting that he/she is in compliance with the criteria and standards in this section or signs the permit under penalty of perjury.

(10) Denial, suspension or revocation of permit. The health officer shall deny a permit if the applicant fails to submit an affidavit demonstrating compliance with all provisions of this section (or fails to sign the permit under penalty of perjury). A permit to keep domesticated hens may be suspended or revoked by the health officer where there is a risk to public health or safety or for any violation of or failure to comply with any of the provisions of this section or with the provisions of any other applicable ordinance or law, provided that a permit to keep domesticated hens shall be revoked in the event a court of competent jurisdiction finds three (3) or more separate violations of the provisions of this section within a twenty-four (24) month period. Any denial, revocation or suspension of a permit shall be in writing and shall include notification of the right to and procedure for appeal. In the event a permit to keep domesticated hens at a particular address is revoked pursuant to the provisions of this subsection; no new permit shall be issued for the same address unless the property changes ownership from the permittee violating this provision or a new tenant is residing at the address and no person violating the terms of this section own or reside on the premises.

(11) Penalty. In addition the any other enforcement action which the City of Manchester may take; violation of any provision of this section shall be subject to a fine of fifty dollars ($50.00). Each day that a violation continues shall be treated as a separate offense.

(12) The street committee of the City of Manchester shall have the authority to adopt and implement rules and regulations necessary to further the provisions of this section, provided they are not in conflict with the requirements of this section.

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[1]The application for permit, and any amendments thereto, may be found in the recorder's office.

(13) The provisions of this section are severable. If any are found to be unenforceable; the remainder shall be enforced. (1972 Code, § 3-104, as repealed by Ord. #1186, Nov. 2007, and added by Ord. #1630, Oct. 2021 ***Ch21_07-05-22***)

10-105. [Repealed.] (1972 Code, § 3-105, as repealed by Ord. #1186, Nov. 2007)

10-106. Cruel treatment prohibited. It shall be unlawful for any person to unnecessarily beat or otherwise abuse or injure any animal or fowl. (1972 Code, § 3-106, as amended by Ord. #1628, Sept. 2021 ***Ch21_07-05-22***)

10-107. Seizure and disposition of animals. Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by the health officer or by any police officer and confined in a pound provided or designated by the board of mayor and aldermen. If the owner is known he shall be given notice in person, by telephone, or by a postcard addressed to his last-known mailing address, and the animal or fowl will be humanely destroyed or sold if not claimed within five (5) days. If the owner is not known, a notice describing the impounded animal or fowl will be posted in at least three (3) public places within the corporate limits. The notice shall state that the impounded animal or fowl must be claimed within five (5) days by paying the pound costs or the same will be humanely destroyed or sold. If not claimed by the owner within the specified period, the animal or fowl shall be sold or humanely destroyed, or it may otherwise be disposed of as authorized by the board of mayor and aldermen. (1972 Code, § 3-107)

10-108. Health officer. A health officer within the meaning of this title shall be the superintendent of public works or whomever in the department of public works he might designate as a health officer. (1972 Code, § 3-108)

10-109. Authority of health officer to issue ordinance summonses. The health officer, as defined in this title, and/or the animal control officers of the City of Manchester are authorized to issue ordinance summonses upon witnessing a violation of any municipal ordinance, law or regulation contained in title 10 of the Manchester Municipal Code or in any other title which pertains to animals or the keeping thereof.

In the event the person to whom the summons is issued fails to sign the summons agreeing to appear in court at the date and time indicated, the health officer or animal control officer may seek the assistance of a police officer, who, upon witnessing the violation, may issue a citation in lieu of arrest or arrest the person who fails to sign the summons. (as added by Ord. #1350, Nov. 2012)

10-110. Noisy animals prohibited. No person shall own, keep or harbor any animal which disturbs the peace and quiet of any neighborhood. (as added by Ord. #1569, April 2018 ***Ch20_5-7-19***)

10-111. Animal tethering. (1) For purposes of this section, "tether" means a cable, cord or similar device used to attach an animal to a stationary device but does not include chains or ropes.

(2) No person shall allow any animal to remain confined in such a manner as to unreasonably restrict the animal's ability to move.

(3) In addition, no person shall allow any animal to be or remain tethered unless all of the following conditions are satisfied:

(a) The tether is not unreasonably heavy in proportion to the weight of the animal.

(b) A swivel is located at both ends of the tether and the tether is free of tangles.

(c) The collar or harness on the animal to which the swivel is attached is properly fitted and is a collar or harness that is commonly recognized as a pet collar or harness (choke and pinch collars are not permitted).

(d) The tether is not less than fifteen feet (15') in length.

(e) Chains and ropes are prohibited for use as a tethering device.

(f) The animal shall not be tethered outside during a period of extreme weather, including without limitation a heat index of ninety-five degrees Fahrenheit (95° F) or above as determined by the National Weather Service, freezing temperatures, thunderstorms or tornados.

(g) The animal has access to water, shelter, adequate food and dry ground at all times.

(h) The animal is at least six (6) months of age and has a current rabies vaccination.

(i) The animal is not sick, injured or in heat (estrus).

(j) Ground tethering must have an appropriate anchor which allows the tether to swivel and not get tangled or wrapped up. Trees, fences and wooden, concrete or metal posts are not appropriate anchors.

(k) Pulley, running line or trolley systems must be at least fifteen feet (15') in length and not less than six feet (6') above the ground.

(l) Each animal must be tethered separately.

(m) The tethering device shall allow the tethered animal to lie down comfortably at all positions of tether.

(4) Each animal kept in violation of this section is a separate violation.

(5) Each day such animal is kept in violation of this section is a separate violation.

(6) Each violation of this section may be punished by a fine up to fifty dollars ($50.00). After a third violation; the court may order the animal seized

and impounded in accordance with other provisions of this code and state law. (as added by Ord. #1579, Oct. 2019 ***Ch21_07-05-22***, and replaced by Ord. #1662, Sept. 2022 ***Ch22_04-04-23***)

CHAPTER 2

DOGS

SECTION

10-201. Rabies vaccination and registration required.
10-202. Dogs to wear tags.
10-203. Running at large prohibited.
10-204. Noisy dogs prohibited.
10-205. Seizure and disposition of dogs.
10-206. Fees for impounding animals.
10-207. Enclosures for dogs.
10-208. Confinement of female dogs in estrus (heat).

10-201. Rabies vaccination and registration required. It shall be unlawful for any person to own, keep, or harbor any dog without having the same duly vaccinated against rabies and registered in accordance with the provisions of the "Tennessee Anti-Rabies Law" (Tennessee Code Annotated, §§ 68-8-101 through 68-8-114) or other applicable law. (1972 Code, § 3-201)

10-202. Dogs to wear tags. It shall be unlawful for any person to own, keep, or harbor any dog which does not wear a tag evidencing the vaccination and registration required by the preceding section. (1972 Code, § 3-202)

10-203. Running at large prohibited.[1] It shall be unlawful for any person knowingly to permit any dog owned by him or under his control to run at large within the corporate limits. (1972 Code, § 3-203)

10-204. 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. (1972 Code, § 3-205)

10-205. Seizure and disposition of dogs. The provisions of § 10-107 shall apply for any licensed dog found running at large.

However, any dog which is unlicensed or not wearing tags as required by this chapter and which is found at large may be summarily destroyed by any police officer.[2] (1972 Code, § 3-206)

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[1]State law reference
Tennessee Code Annotated, §§ 44-8-408, 68-8-108, and 68-8-109.

[2]State law reference
For a Tennessee Supreme Court case upholding the summary
(continued...)

10-206. Fees for impounding animals. An impoundment fee of $50.00 and a boarding fee of ten dollars ($10.00) per day for each day or fraction thereof shall be charged for the impounding and keeping of all dogs, or other animals, which sum shall be used toward the expense of feeding and keeping the animals and the maintenance of the shelter. After two (2) impoundments in a calendar year, measured from the first impoundment, the impoundment fee shall increase fifty dollars ($50.00) above the immediately-preceding impound fee. If an impounded dog has not been vaccinated, the owner shall, before he is permitted to regain possession of such dog, have it vaccinated and present evidence of vaccination to the shelter supervisor. Payment of the fees set out herein shall not relieve the owner from any other penalty for the violation of this title. Persons purchasing an animal under the authority of § 10-107 shall pay an adoption fee of one hundred dollars ($100.00). Before an animal may be adopted, the animal control officer shall see that it is spayed or neutered and has its customary vaccinations brought current. (1972 Code, § 3-207, as amended by Ord. #757, March 1996, Ord. #759, March 1996, Ord. #791, June 1997, Ord. #1360, Feb. 2013, Ord. #1610, March 2021 ***Ch21_07-05-22***, and Ord. #1611, March 2021 ***Ch21_07-05-22***)

10-207. Enclosures for dogs. (1) For purposes of this section, "outdoor pen enclosure" means an enclosure (excluding fenced-in yards) used as the primary living area or an area used regularly for a dog or dogs to eat, sleep, drink and eliminate. The configuration of the enclosure must be such that the dog can easily move about.

(2) Outdoor pen enclosures shall meet the following requirements:

(a) Minimum size - outdoor pen enclosures shall meet the square footage requirements set forth in Table 1 provided below based upon the number and size of dogs in the enclosure, provided that puppies less than three months in age shall not be counted for purposes of determining the minimum size of the enclosure.

(b) The required amount of unoccupied space does not include that required for adequate shelter from the weather but shall include adequate shade for all dogs in enclosure.

(c) The pen or secure enclosure shall be constructed with chain link or similar fencing material or other material which contains the dog or dogs without unreasonable risk of the dog being trapped in or injured by the enclosure.

(...continued)

destruction of dogs pursuant to appropriate legislation, see Darnell v. Shapard, 156 Tenn. 544, 3 S.W.2d 661 (1928).

(d) The floors of pens shall be constructed of such material or otherwise arranged so that there is no accumulation of standing water.

(e) All pens shall be kept clean and sanitary and shall not be kept in a manner that creates a nuisance for the neighbors or neighborhood; nor filthy or dirty confinement conditions, including but not limited to exposure to excessive animal waste, garbage, dirty water, noxious odors, dangerous object that could injure or kill the dog upon contact or other circumstances that could cause harm to the dog's health.

(f) The pen shall be of sufficient height as to prevent the dog from escaping and, if a top is used, it must be at least twelve inches (12") above the head of the tallest dog.

Table 1

MINIMUM SIZE FOR OUTDOOR PEN ENCLOSURES

Minimum square footage of unoccupied area (excluding doghouse) based on largest dog:

No. of dogs*	Up to 25 lbs.	25 - 50 lbs.	Over 50 lbs.	Over 100 lbs.
1	20	50	80	100
2	50	80	100	150
3	80	100	150	200
4	100	150	200	250

*An additional fifty (50) square feet is required for each dog above four (4).

(2) Each animal kept in an enclosure in violation of this section is a separate violation.

(3) Each day any such animal enclosure is kept in violation of this section is a separate violation.

(4) Each violation of this section may be punished by a fine up to fifty dollars ($50.00). After a third violation; the court may order the animal(s) seized and impounded in accordance with other provisions of this code and state law. (as added by Ord. #1663, Sept. 2022 ***Ch22_04-04-23***)

10-208. Confinement for female dogs in estrus (heat). Every owner of a female dog is required to confine the same during the time she is in estrus (heat). The confinement required by this section shall be such that other dogs may not access the female dog except for planned breeding purposes. It is unlawful for any owner of a female dog not to so confine such dog as required by this section. This ordinance shall be construed similarly to Tennessee Code Annotated, § 44-8-416.

Each violation of this section may be punished by a fine up to fifty dollars ($50.00). After a third violation; the court may order the animal(s) seized and impounded in accordance with other provisions of this code and state law. (as added by Ord. #1664, Sept. 2022 ***Ch22_04-04-23***)

CHAPTER 3

VICIOUS DOGS

SECTION

10-301. Definition of terms.
10-302. Confinement.
10-303. Leash and muzzle.
10-304. Signs.
10-305. Insurance.
10-306. Penalties.
10-307. Animal control officer.
10-308. Impoundment and destruction.
10-309. Notice of impoundment.
10-310. Hearing on impoundment/destruction.

10-301. Definition of terms. As used in this chapter:

(1) "Owner" means any person, firm, corporation, organization or department possessing or harboring or having the care or custody of a dog.

(2) "Vicious dog" means:

(a) Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals; or

(b) Any dog which because of its size, physical nature, or vicious propensity is capable of inflicting serious physical harm or death to humans and which would constitute a danger to human life or property if it were not kept in the manner required by this ordinance; or

(c) Any dog which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal; or

(d) Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting; or

(3) A vicious dog is "unconfined" if the dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of the dog. The pen or structure must have secure sides and a secure top attached to the sides which shall be made of 11 gauge wire, or stronger and inspected and approved by the animal control officer or the codes and health administrator. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one foot. All such pens or structures must be adequately lighted and kept in a clean and sanitary condition. (1972 Code, § 3-301, as amended by Ord. #1650, May 2022 ***Ch21_07-05-22***)

10-302. Confinement. The owner of a vicious dog shall not suffer or permit the dog to go unconfined. (1972 Code, § 3-302)

10-303. Leash and muzzle. The owner of a vicious dog shall not suffer or permit the dog to go beyond the premises of the owner unless the dog is securely muzzled and restrained by a chain or leash, and under the physical restraint of a person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal. (1972 Code, § 3-303)

10-304. Signs. The owner of a vicious dog shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a vicious dog on the premises. A similar sign is required to be posted on the pen or kennel of the animal. (1972 Code, § 3-304)

10-305. Insurance. Owners of vicious dogs must provide proof to the finance director of liability insurance in the amount of at least $50,000, insuring the owner for any personal injuries inflicted by his or her vicious dog. (1972 Code, § 3-305, as amended by Ord. #808, Jan. 1998)

10-306. Penalties. Whoever violates any provision of this section shall be guilty of a misdemeanor and may be punished by a fine not to exceed fifty dollars ($50.00) per day for each violation. (1972 Code, § 3-306)

10-307. Animal control officer. The animal control officer of the City of Manchester shall have the authority to enforce this chapter without a warrant if he observes a violation occurring in his presence. He shall also have the authority to impound animals as authorized by § 10-308. (1972 Code, § 3-307)

10-308. Impoundment and destruction. The Manchester city judge may order the impoundment and destruction of a dog where: (1) The dog has attacked, bitten or injured a human being or domestic animal or;

(2) The dog is a vicious dog as defined in § 10-301 and the owner has failed to comply with the requirements and conditions for keeping a vicious dog as defined in §§ 10-302, 10-303, 10-304 or 10-305 or;

(3) All fines or costs imposed under this chapter have become final orders, and remain unpaid or;

(4) The dog poses a threat of serious harm to the public health or safety. (1972 Code, § 3-308)

10-309. Notice of impoundment. Within five (5) days after impoundment, the animal control officer shall notify the dog's owner in writing of the impoundment. (1972 Code, § 3-309)

10-310. Hearing on impoundment/destruction. (1) The owner of an impounded dog shall have the right to file, within five (5) days after receiving notice, a written request for a hearing to contest the impoundment.

(2) The hearing shall be before the Manchester city judge, but shall be informal and strict rules of evidence shall not apply. The owner may be represented by counsel, present oral and written evidence and cross-examine witnesses.

(3) After considering all of the relevant evidence, the city judge shall issue a decision and may order the destruction of the impounded dog, or may release the dog to its owner conditioned on the owner complying with the requirements set forth in this chapter or with any other requirements necessary to protect the public health or safety.

(4) If the owner of an impounded dog fails to appear at a hearing, or fails to request a hearing within the allotted time, the dog shall be destroyed. (1972 Code, § 3-310)

TITLE 11

MUNICIPAL OFFENSES[1]

CHAPTER

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

CHAPTER 1

ALCOHOL[2]

SECTION

11-101. Drinking beer, etc., on streets, etc.
11-102. Repealed.

11-101. Drinking beer, etc., on streets, etc. It shall be unlawful for any person to drink or consume, or have in any open container, including but not limited to, cans, bottles, cups, glasses or any other like device capable of holding liquids, an intoxicant, including but not limited to beer, wine, liquor or any other intoxicating beverage, on any public street, alley, avenue, highway, sidewalk or any public place unless the place has a beer permit and license for on-premises consumption. Mere possession of an intoxicant, as above defined, in a pubic park

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[1]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.

[2]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).

or on a public school ground shall be deemed unlawful irrespective of whether that intoxicant is opened or unopened at the time it is found. (1972 Code, § 10-228)

11-102. Repealed. (1972 Code, § 10-222, as repealed by Ord. #1043, Sept. 2003)

CHAPTER 2

[DELETED]

(as deleted by Ord. #1628, Sept. 2021 ***Ch21_07-05-22***)

CHAPTER 3

OFFENSES AGAINST THE PERSON

SECTION

11-301. [Repealed.]

11-301. [Repealed.] (1972 Code, § 10-201, as repealed by Ord. #1186, Nov. 2007)

CHAPTER 4

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

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

11-401. Disturbing the peace. No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (1972 Code, § 10-202)

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

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

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

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

(c) Yelling, shouting, hooting, etc. Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 11:00 P.M. and 7:00 A.M., or at any time or place so as to annoy or

disturb the quiet, comfort, or repose of any persons in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

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

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

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

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

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

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

(j) Loading and unloading operations. The creation of any loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates, and other containers.

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

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

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

(a) Municipal vehicles. Any vehicle of the municipality while engaged upon necessary public business.

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

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the finance director. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1972 Code, § 10-233, as amended by Ord. #808, Jan. 1998, and Ord. #1573, June 2019 ***Ch21_07-05-22***)

CHAPTER 5

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION

11-501. Deleted.
11-502. Impersonating a government officer or employee.
11-503. False emergency alarms.
11-504. Resisting or interfering with a policeman or fireman.
11-505. Coercing people not to work.

11-501. Deleted. (1972 Code, § 10-209, as deleted by Ord. #1628, Sept. 2021 ***Ch21_07-05-22***)

11-502. Impersonating a government officer or employee. No person other than an official police officer of the municipality shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the municipality. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1972 Code, § 10-211)

11-503. False emergency alarms. It shall be unlawful for any person to intentionally make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1972 Code, § 10-217)

11-504. Resisting or interfering with a policeman or fireman. It shall be unlawful for any person to resist or in any way interfere with or attempt to interfere with any policeman or fireman while such officer is in the discharge or apparent discharge of his duty. (1972 Code, § 10-210)

11-505. 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 is expressly not the purpose of this section to prohibit peaceful picketing. (1972 Code, § 10-230)

CHAPTER 6

FIREARMS, WEAPONS AND MISSILES

SECTION

11-601. Air rifles, etc.
11-602. [Repealed.]
11-603. Weapons and firearms generally.

11-601. Air rifles, etc. It shall be unlawful for any person in the municipality to discharge an air gun or arrow or a "BB" gun except as follows:

(1) A "BB" gun may be discharged only while shooting at a protected target, either by an adult, or with adult supervision.

(2) An air gun or arrow shall not be discharged, except at an indoor range, or at an approved outdoor location, either by an adult, or with adult supervision present.

(3) Outdoor locations shall be approved by the Manchester Safety Committee, and a list of all approved locations shall be kept by the Manchester Police Department. Any person objecting to a location may petition that committee for a site change or abandonment.

(4) In addition to the approval requirements of subsections (2) and (3), any indoor or outdoor archery range must also have the approval and be in compliance with the rules and regulations of the National Field Archery Association. (1972 Code, § 10-213)

11-602. [Repealed.] (1972 Code, § 10-214, as repealed by Ord. #1186, Nov. 2007)

11-603. 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. 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 committee 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. (1972 Code, § 10-212, as amended by Ord. #1628, Sept. 2021 ***Ch21_07-05-22***)

CHAPTER 7

TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC

SECTION

11-701. Trespassing on trains.
11-702. [Repealed.]
11-703. Interference with traffic.

11-701. Trespassing on trains. It shall be unlawful for any person to climb, jump, step, stand upon, or cling to, or in any other way attach himself to any locomotive engine or railroad car unless he works for the railroad corporation and is acting the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. (1972 Code, § 10-221)

11-702. [Repealed.] (1972 Code, § 10-225, as repealed by Ord. #1186, Nov. 2007)

11-703. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere unreasonably with the free passage of pedestrian or vehicular traffic thereon. (1972 Code, § 10-232)

CHAPTER 8

MISCELLANEOUS

SECTION

11-801. [Repealed.]
11-802. Caves, wells, cisterns, etc.
11-803. Posting notices, etc.
11-804. Curfew for minors.
11-805. Skateboards prohibited.
11-806. Hunting prohibited.
11-807. Unlawful to be under the influence or possess any drug or chemical substance.
11-808. Resale of entertainment admission tickets or tokens prohibited.

11-801. [Repealed.] (1972 Code, § 10-223, as repealed by Ord. #1186, Nov. 2007)

11-802. Caves, wells, cisterns, etc. It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without an adequate cover or safeguard. (1972 Code, § 10-231)

11-803. Posting notices, etc. No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless legally authorized to do so. (1972 Code, § 10-226)

11-804. Curfew for minors. It shall be unlawful for any minor, under the age of eighteen (18) years to loiter, idle, wander, stroll, or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public places and public buildings between the hours of 9:00 o'clock P.M. and 6:00 o'clock A.M., on Sunday, Monday, Tuesday, Wednesday, Thursday, and Friday of each week, and between the hours of 10:00 o'clock P.M. and 6:00 o'clock A.M. on Saturday of each week; provided, however, that the provisions of this section shall not apply to a minor accompanied by his or her parent, guardian, or other adult person having the care and custody of the minor, or where the minor is upon an emergency errand or legitimate business directed by his parent, guardian, or other adult person having the care and custody of the minor; and, provided further that this section shall not apply to minors going to or returning form church or entertainments of legal character.

It shall also be unlawful for the parent, guardian, or other adult person having the care and custody of a minor under the age of eighteen (18) years to knowingly permit such minor to loiter, idle, wander, stroll, or play in or upon the

public streets, highways, roads, alleys, parks, playgrounds, or other public grounds and public buildings, between the hours and on the days as specified above. (1972 Code, § 10-224)

11-805. Skateboards prohibited. It shall be unlawful for any person to operate a skateboard or skates or an object of that nature on a public street or parking lot in a business district during normal business hours, or on a city sidewalk in any district, at any time.

It shall also be unlawful to place a ramp, jump or other device used to force a skateboard, skates or other object of that nature off the pavement of any street or parking lot in a business district during normal business hours, or on a city sidewalk at any time.

It shall also be unlawful to operate a skateboard, skates or other objects of that nature during daylight hours unless the operator is wearing reflective material and yields to all traffic laws applicable to motor vehicles, or under any circumstances, after dark. (1972 Code, § 10-235)

11-806. Hunting prohibited. It shall be unlawful for any person to hunt inside the city limits, whether on public or private property, except the owner or someone with his written permission hunting by archery on tracts of 25 acres or more which have been previously approved by the safety committee. (1972 Code, § 10-236)

11-807. Unlawful to be under the influence or to possess any drug or chemical substance. (1) It shall be a municipal offense for any person within a public area of the City of Manchester, Tennessee to be under the influence of or possess any drug or chemical substance, the possession of which is made unlawful by Tennessee Code Annotated, § 39-17-402, title 39, chapter 17 of Tennessee Code and/or any drug paraphernalia as defined by as in effect on the date of this section. For the purposes of this section, "public area" shall mean any street, highway, avenue or thoroughfare, no matter how described, whether owned by the federal, state, county or city government, any business open to the public, including parking lots and other ancillary areas, whether or not such business is actually open for business, any public building, park or other facility owned or operated by any government or governmental board, commission or like organization, whether federal, state, county or city, any area generally frequented by the public and/or any area generally accessible by the public whether or not an admission charge is made. A vehicle located in any area defined as a "public area" shall be deemed to be in the public area.

(2) Violations of this section shall be punished by a fine of up to fifty dollars ($50.00) and court costs.

(3) In addition thereto the court shall impose a remedial incentive of up to five hundred dollars ($500.00) upon all persons violating this section. Said incentive shall be waived provided the defendant files with the court a negative

drug test for amphetamines, barbiturates, benzodiazepines, cocaine metabolites, marijuana metabolites, methadone, methaqualone, opiates, phencyclidine and propoxyphene, administered to a sample of such person's blood, urine or hair under circumstances indicating its reliability within fifteen (15) days of the date of the offense.

(4) The court may waive such portions of the remedial incentive as it deems appropriate in the event the defendant files with the court a negative drug test for those drugs identified above administered to a sample of such person's blood, urine or hair under circumstances indicating its reliability after fifteen (15) days from the date of the offense. (as added by Ord. #1199, June 2008)

11-808. Resale of entertainment admission tickets or tokens prohibited. (1) Public resale of tickets banned. It shall be unlawful for any person or entity to publicly offer for resale within the City of Manchester any ticket, pass, admission card, token, access bracelet or any other evidence of entitlement to admission to an entertainment event. Any person or entity violating this provision shall be fined fifty dollars ($50.00) for each such ticket, pass, admission card, token, access bracelet or any other evidence of entitlement to admission to entertainment events in his or her possession and shall forfeit each such ticket.

(2) Public resale of tickets defined. Public resale of tickets is defined as the offering for sale, solicitation for sales or actual sale to a member of the public of a ticket, pass, admission card, token, access bracelet or any other evidence of entitlement to an entertainment event. It includes all such offers, solicitations or actual sales except an isolated sale of a ticket, pass, admission card, token, access bracelet or any other evidence of entitlement to admission to entertainment events.

In determining whether the sale is an isolated sale, the court can consider the public nature of the offer or solicitation or the public context of the sale; whether the transaction is offered on an indiscriminate basis; under what conditions the seller acquired the ticket(s); the number of tickets possessed by the seller and what motivated the sale (including but not limited to the reason the seller is not using the ticket himself).

It is the intent of this section to prohibit the resale of tickets for commercial purposes and not to prohibit the sale of tickets by one who intended to attend the event when he/she purchased the tickets; but, due to unforeseen circumstances, it became inconvenient or impossible to attend or if the tickets to be resold were part of a group of tickets (such as season tickets) and the seller simply did not wish to attend certain events.

(3) Tickets in possession subject to forfeiture. Any tickets in the possession of any person found to have violated this section shall be forfeited by such person.

Upon citing any person for violation of this section, the officer shall immediately seize and hold all tickets in such person's possession. The person may obtain return of the tickets by posting a cash bond in double the face value of the tickets. If the person is found not guilty, the court shall return the tickets or the bond in full. If the person does not appear for the court hearing, the tickets or the total amount of the bond shall be forfeited. If the person is found guilty, the court can return all or a portion of the bond as the court deems appropriate to promote the intent of this section. (as added by Ord. #1450, April 2015)

TITLE 12

BUILDING, UTILITY, ETC. CODES

CHAPTER

1. CODES ADOPTED AND AVAILABILITY.
2. ENFORCEMENT, VIOLATIONS, AND APPEAL.
3. BUILDING PERMIT FEES; PENALTY FOR FAILURE TO PURCHASE PERMIT.
4. PERMITS.

CHAPTER 1

CODES ADOPTED AND AVAILABILITY[1]

SECTION

12-101. Building codes adopted.
12-102. Available in finance director's office.

12-101. Building codes adopted.[2] Pursuant to the authority granted by Tennessee Code Annotated, §§ 6-54-502 and for the purpose of regulating building construction, the following codes are hereby adopted and incorporated by reference as a part of this code and are hereinafter referred to as the "city building code":

(1) International Residential Code (IRC), 2018 edition, published by the International Code Council (ICC), Appendices J and Q , and completed Table R301.2(1), which is attached hereto as Exhibit A,[3] except:

(a) Replace Exception in Section R313.1 regarding automatic fire sprinkler systems in townhouses with the following: “an automatic

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[1]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.

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

Copies of this code (and any amendments) may be purchased from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

[3]Exhibit A is presented in its entirety at the end of this chapter 1.

residential fire sprinkler system shall not be required if a 2 hour fire resistance rated wall exists between units, if such walls do not contain plumbing and/or mechanical equipment, ducts, or vents in the common wall."

(b) Delete Section R313.2 Automatic Fire Sprinkler Systems in one- and two- family dwellings

(c) Replace 2018 IRC Tables N1102.1.2 and N1102.1.4 with 2009 IRC Tables N1102.1 and N1102.1.2

(d) Delete the following wording from Section R302.5.1: "equipped with a self-closing or automatic closing device"

(e) Delete the following sections: N1103.3.3, N1103.3.4, and N1103.7

(f) Replace Section N1102.4.1.2 Testing with Section N1102.4.2.1 Testing Option and Section N1102.4.2.2 Visual Inspection from the 2009 IRC.

(g) Delete Chapters 34-43 relating to Electrical Installations and electrical standards adopted in 0780-02-01 Electrical Installations shall apply.

(h) Delete Figure R301.2(2) Seismic Design Categories and replace with Figure R301.2(2) Seismic Design Categories Site Class D from the 2015 IRC

(i) Section R314.6 Power Source relating to Smoke Alarms is amended to create Exception 3 that shall read:

i. Exception 3. Interconnection and hardwiring of smoke alarms in existing areas shall not be required where the alterations or repairs do not result in the removal of interior walls or ceiling finishes exposing the structure

(j) Delete Section N1102.4.4 Rooms Containing Fuel-Burning Appliances

(2) International Residential Code (IRC) Appendix G Swimming Pools, Spas and Hot Tubs, 2012 edition, published by the International Code Council (ICC)

(3) International Building Code (IBC), 2018 edition, published by the International Code Council (ICC) except:

1. Chapter 11 Accessibility

(4) International Fuel Gas Code (IFGC), 2018 edition, published by the International Code Council (ICC)

(5) International Mechanical Code (IMC), 2018 edition, published by the International Code Council (ICC)

(6) International Plumbing Code (IPC), 2018 edition, published by the International Code Council (ICC)

(7) International Property Maintenance Code (IPMC), 2018 edition, published by the International Code Council (ICC)

(8) International Fire Code, 2018 edition, published by the International Code Council (ICC) and Appendices B, I, and N, except:

(a) Appendix B Section B105.1 is deleted and, in its place, the following provisions are adopted:

"The fire-flow and flow duration requirements for one and two family dwellings of any size shall be a minimum of 750 gpm (1000 gpm desired) @ 20 psi for 1 hour. If the existing main water lines supplying the development currently provide 750 gpm @ 20 psi or greater at the point of connections, the developer will be required to ensure new hydrants provide at least 750 gpm (1000 gpm desired) @ 20 psi or as close as practical at all hydrants within the new development but, at no time, shall the developer be required to increase the new line size by more than one size increase (i.e., 6" to 8") to achieve a minimum fire-flow. If the existing main line supplying the proposed development does not currently provide 750 gpm @ 20 psi, the developer will be required to ensure new hydrants provide as close to the supplied flow as practical but, at no time, shall he be required to increase the new line size by more than one size increase (i.e., 6" to 8") to achieve the desired fire-flow.

In all cases, the developer may be required to interconnect water lines (proposed lines and existing lines) where possible to improve water quality (chlorine residuals) and maximize fire-flows. Easements may be required to be granted or acquired from adjacent properties to achieve looped water line conditions."

(9) For one- and two-family dwellings and townhomes: International Energy Conservation Code (IECC), 2018 edition, published by the International Code Council (ICC), except:

1. Replace Section R402.4.1.2 Testing with Section 402.4.2.1 Testing Option and Section 402.4.2.2 Visual Inspection Option from the 2009 IECC

2. Delete Sections R403.3.3 and R403.3.4

3. Replace Tables R402.1.2 and R402.1.4 with Tables 402.1.1 and 402.1.3 from the 2009 IECC

(10) For commercial and industrial buildings: International Energy Conservation Code (IECC), 2018 edition, published by the International Code Council (ICC) except:

1. Replace Tables C402.1.3, C402.1.4, and 402.4 with Tables 502.1.2, 502.2(1), and 502.3 from the 2009 IECC

2. The provisions of the 2006 IECC shall apply to the following occupancy classifications as defined by the 2018 International Building Code:

i. Moderate-hazard factory industrial, Group F-1

ii. Low-hazard factory industrial, Group F-2

iii. Moderate-hazard storage, Group S-1

iv. Low-hazard storage, Group S-2

(11) International Existing Building Code (IEBC), 2018 edition, published by the International Code Council (ICC)

(12) NFPA 101 Life Safety Code, 2018 edition, published by the National Fire Protection Association (NFPA), for state buildings, educational occupancies, and any other occupancy requiring an inspection by the state fire marshal for initial licensure. (1972 Code, § 4-101, as amended by Ord. #820, May 1998, and Ord. #922, April 2001, replaced by Ord. #1121, Nov. 2005, and amended by Ord. #1344, Oct. 2012, Ord. #1356, Jan. 2013, and Ord. #1459, June 2015, Ord. #1544, Dec. 2017, and Ord. #1571, May 2019 ***Ch20_5-7-19***, and Ord. #1617, June 2021 ***Ch21_05-03-22***)

12-102. Available in finance director's office. A copy of all of the codes adopted in § 12-101 shall be placed on file in the finance director's office and shall be kept there for the use and inspection of the public. (1972 Code, § 4-102, as amended by Ord. #808, Jan. 1998, and Ord. #922, April 2001, as amended by Ord. #1250, Nov. 2009)

EXHIBIT A

Table R301.2(1)

Ground Snow Load (lbs.)	10
Wind Design- Speed (mph)	115
Wind Design- Topographic effects	No
Wind Design- Special Wind Region	No
Windborne Debris Zone	No
Seismic Design Category	B
Subject to Damage From: Weathering	Moderate
Subject to Damage From: Frost line depth (inches)	12
Subject to Damage From: Termite	Moderate to Heavy
Winter Design Temperature (Degrees Fahrenheit)	16
Ice Barrier Underlayment Required	No
Flood Hazards	In accordance with adopted zoning ordinance
Air Freezing Index	227
Mean Annual Temperature (Degrees Fahrenheit)	58.8
Manual J Design Criteria Elevation (feet)	1,072
Latitude (Degrees North)	35
Winter Heating	13

Summer Cooling	93
Altitude Correction Factor	Determined using Manual J Design Criteria
Indoor Design Temperature	Determined using Manual J Design Criteria
Design Temperature Cooling	Determined using Manual J Design Criteria
Heating Temperature Difference	Determined using Manual J Design Criteria
Cooling Temperature Difference	Determined using Manual J Design Criteria
Wind Velocity Cooling	Determined using Manual J Design Criteria
Coincident Wet Bulb	73
Daily Range	M
Winter Humidity	Determined using Manual J Design Criteria
Summer Humidity	Determined using Manual J Design Criteria

CHAPTER 2

ENFORCEMENT, VIOLATIONS, AND APPEAL

SECTION

12-201. Enforcement.
12-202. Violations.
12-203. Appeal.

12-201. Enforcement. The health and codes administrator is authorized to enforce the provisions of the city building code and to render interpretations of that code, which are consistent with its spirit and purpose. Whenever necessary to make an inspection to enforce any of the provisions of the city building code or when the health and codes administrator has reasonable cause to believe that a code violation exists, he may enter any building, structure or premises at all reasonable times to inspect the same, provided that if such building is occupied, he should first present proper credentials before entering. If such building, structure or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, he may apply to the city court for permission to enter, after notice to the owner. (1972 Code, § 4-201)

12-202. Violations. Upon notice from the health and codes administrator, any construction done contrary to the provisions of the city building code shall immediately cease. Such notice shall be in writing, and given to the owner of the property or his agent or to the person doing the work and shall state the conditions under which work may be resumed. The health and codes administrator may also revoke or suspend a previously issued building permit if he determines that a violation of the city building code has occurred or if he finds that a false statement or misrepresentation was made in order to secure the permit. (1972 Code, § 4-202)

12-203. Appeal. Upon revocation or suspension of a building permit, the owner may appeal the decision of the health and codes administrator to the Manchester Board of Zoning Appeals, which shall have the final decision concerning suspension or revocation. (1972 Code, § 4-203)

CHAPTER 3

BUILDING PERMIT FEES; PENALTY FOR FAILURE TO PURCHASE PERMIT[1]

SECTION

12-301. Fees.
12-302. Penalty for failure to purchase permit.
12-303. Re-inspection fee.

12-301. Fees. Building permit fees for the City of Manchester, Tennessee shall be paid as follows:

Total Valuation	Fee
$1 to $2,000	$50.00
$2,001 to $5,000	$75.00
$5,001 to $10,000	$100.00
$10,001 to $50,000	$100.00 for the first $10,000 plus $5.00 for each additional $1,000 or fraction thereof, up to and including $50,000.
$50,001 to $100,000	$300.00 for the first $50,000 plus $4.00 for each additional $1,000 or fraction thereof, up to and including $100,000.
$100,001 to $500,000	$500.00 for the first $100,000 plus $3.00 for each additional $1000 or fraction thereof, up to and including $500,000.

[1]Municipal code reference
Gas system administration: title 19, chapter 2.

$500,001 and up	$1,700.00 for the first $500,000 plus $2.00 for each additional $1000 or fraction thereof.

"Total valuation" for the purposes of this section shall be equal to or greater than one hundred and twenty-five dollars ($125.00) per square foot of heated and unheated area for new residential construction. Area and category shall be determined and calculated by the health and codes administrator.

For new commercial construction, the "total valuation" shall be the contract price as set forth on a legitimate contract. The health and codes administrator shall determine whether the contract is legitimate for the purposes of this section.

"Total valuation" for alteration of both residential and commercial construction shall be determined by the health and codes administrator taking into account any legitimate contract price, good faith estimate or other realistic prediction of the true cost of the alteration. (Ord. #827, Aug. 1998, as replaced by Ord. #923, April 2001, and Ord. #1122, Nov. 2005, and amended by Ord. #1225, April 2009, and Ord. #1680, Feb. 2023 ***Ch22_04-04-23***)

12-302. <u>Penalty for failure to purchase permit</u>. When construction is commenced before a permit is obtained, the permit fee shall be double the amount set out in this chapter.

The penalty of double the permit fee shall also he imposed on the difference between the fee for the valuation used for the initial permit and the final cost if it appears the valuation asserted initially by the owner or his agent was deliberately or negligently understated. A difference of fifteen percent (15%) between initial valuation and the final cost shall lend to a presumption that the project was deliberately or negligently undervalued. The health and codes administrator may waive the penalty amount if imposition would be unfair under all of the circumstances. (1972 Code, § 4-302, as amended by Ord. #1225, April 2009)

12-303. <u>Re-inspection fee</u>. A re-inspection fee of $25.00 shall be paid prior to the second or subsequent inspections of any building or structure. (as added by Ord. #923, April 2001, and amended by Ord. #1122, Nov. 2005)

CHAPTER 4

PERMITS

SECTION

12-401. Mobile home permits.
12-402. Permit for moving buildings or other structures.
12-403. Demolition permit.
12-404. Temporary use permit.
12-405. Penalty for failure to purchase permit.
12-406. Swimming pool permits.
12-407. Portable storage buildings.
12-408. Building plan review fees.
12-409. Mechanical and plumbing permits.
12-410. Rates for new development impact fees.

12-401. Mobile home permits. A fee of $200.00 for a single wide mobile home and a fee of $300.00 for a double wide mobile home shall be paid for the permit to install a mobile home. (1972 Code, § 4-401, as amended by Ord. #778, Dec. 1996; Ord. #924, April 2001; and Ord. #1123, Nov. 2005)

12-402. Permit for moving buildings or other structures. A fee of $500.00 shall be paid for the permit to move a building or any other permanent structure. (1972 Code, § 4-402, as amended by Ord. #924, April 2001, and Ord. #1123, Nov. 2005)

12-403. Demolition permit. A fee of $100.00 shall be paid for the permit for the demolition of any building or structure up to a size of 100,000 cubic feet, except however, a permit fee is not required to be paid where the valuation of the structure is less than $100.00. For demolition of any building or structure in excess of 100,000 cubic feet, a fee of 75¢ for each additional 1000 cubic feet or fraction thereof shall be paid. The codes and health director may waive the fee for the permit required by this section upon receipt of a form signed by the fire chief accepting the building for training purposes. (1972 Code, § 4-403, as amended by Ord. #924, April 2001, and Ord. #1568, March 2019 ***Ch20_5-7-19***)

12-404. Temporary use permit. A fee of $100.00 shall be paid for a temporary use permit for any of the uses described in the zoning ordinance.[1] (1972 Code, § 4-404, as amended by Ord. #924, April 2001, and Ord. #1123, Nov. 2005)

12-405. Penalty for failure to purchase permit. When a mobile home is installed or a building or other structure moved or demolished or a temporary use permit not purchased prior to operating that use, the permit fees shall be double the amount set out in this chapter. (1972 Code, § 4-405)

12-406. Swimming pool permits. A permit is required for any swimming pools installed or built in the city. The permit fees are as follows:

(1)	Above ground pool	$100.00
(2)	In ground pool	$200.00

(as added by Ord. #924, April 2001, and amended by Ord. #1123, Nov. 2005)

12-407. Portable storage buildings. A fee of $25.00 shall be paid for the permit to install a portable storage building with a value of $2000.00, or less. The fee for installation of a portable storage building with a value in excess of $2000.00 shall be the same as the building permit fees set by § 12-301. (as added by Ord. #924, April 2001)

12-408. Building plan review fees. A fee equal to one-half of the building permit fee shall be paid for the review of building plans for any proposed construction, excluding plans for one or two family dwellings, which are exempt from this fee. (as added by Ord. #924, April 2001)

12-409. Mechanical and plumbing permits. The City of Manchester adopt the following inspection requirements and fee schedule for plumbing and mechanical permits:

MECHANICAL PERMIT	INSPECTIONS REQUIRED
New Residential $40.00	Underground
Existing Residential $20.00	Rough-In
New/Existing Commercial/Industrial:	Final
$25.00 first $1,000 + $3.00 each additional $1,000 or fraction thereof	

[1]The zoning ordinance is of record in the finance director's office.

Replacement of HVAC unit with the same size unit without changing energy source, replacing ductwork or framing does not require a permit under this section

PLUMBING PERMIT	INSPECTIONS REQUIRED
New/Existing Residential	Underground
$20.00 + $2.50 for each fixture	Rough-In
New/Existing Commercial/Industrial	Final
$20.00 + $2.50 for each fixture	

Replacement of any existing fixture without changing water supply, drainage, energy source or vent pipes (example: water heater) does not require a permit under this section. (as added by Ord. #1458, June 2015)

12-410. Rates for new development building impact fees. Effective July 1, 2024, building impact fees for new development within the corporate limits shall be:

Single Residential Units	$2.00 per square foot
Multi-Family Residential Units	$2.00 per square foot
All Other Building Types	
Office	$2.00 per square foot
Retail/Commercial	$1.50 per square foot
Warehouse/Storage	$0.50 per square foot
Industrial	
1 to 10,000 - square feet	$1.00 per square foot
10,001 to 25,000 - square feet	$0.90 per square foot
25,001 to 50,000 - square feet	$0.80 per square foot
Above 50,001 - square feet	$0.70 per square foot- maximum fee of $100,000.00
Institutional	$0.50 per square foot
Non-profit/Public	Exceptions granted case by case

"New development" is defined as: the process of developing land that has not been previously developed by the construction, or substantial alteration of residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures.

The funds generated from these impact fees be shared between the Manchester Education Capital Fund eighty percent (80%) for new projects and to other city infrastructure projects twenty percent (20%) and used accordingly.

For purposes of this ordinance; "Infrastructure" is defined as all physical improvements that are required to provide roads, boulevards, walkways, utilities, and parks, etc. (as added by Ord. #1711, March 2024 ***Ch23_08-06-24***)

TITLE 13

PROPERTY MAINTENANCE REGULATIONS[1]

CHAPTER

1. MISCELLANEOUS.
2. WEEDS, ETC.
3. UNSAFE BUILDINGS.
4. [DELETED].
5. REGULATION OF THE INSTALLATION AND REMOVAL OF UNDERGROUND TANKS.
6. OUTSIDE DISPLAY OR STORAGE OF HOUSEHOLD GOODS OFFERED FOR SALE PROHIBITED.
7. HOTELS, MOTELS, AND EXTENDED STAY HOTELS/MOTELS.

CHAPTER 1

MISCELLANEOUS

SECTION

13-101. Health officer.
13-102. Smoke, soot, cinders, etc.
13-103. Stagnant water.
13-104. Dead animals.
13-105. Health and sanitation nuisances.

13-101. Health officer. The "health officer" shall be such city, county, or state officer as the board of mayor and aldermen shall appoint or designate to administer and enforce health and sanitation regulations within the city. (1972 Code, § 8-801)

13-102. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust, or gases as to be detrimental to or to endanger the health, comfort, and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1972 Code, § 8-805)

13-103. Stagnant water. It shall be unlawful for any person to knowingly allow any pool of stagnant water to accumulate and stand on his property without treating it so as effectively to prevent the breeding of mosquitoes. (1972 Code, § 8-806)

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[1]Municipal code references
Animal control: title 10.
Littering streets, etc.: § 16-107.

13-104. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1972 Code, § 8-808)

13-105. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. Any condition allowed to exist in violation of this section is declared to be a public nuisance which may be abated in the same manner as other public nuisances are abated. (1972 Code, § 8-809)

CHAPTER 2

WEEDS, ETC.

SECTION

13-201. Weeds and other vegetation prohibited.
13-202. Enforcement.

13-201. Weeds and other vegetation prohibited. (1) It shall be unlawful for any person or other entity owning, leasing, occupying or having control of property, regardless of whether the property is vacant or contains any form of structure, in the city, to permit the growth upon such property of weeds, grass, brush and all other rank or noxious vegetation to a height greater than twelve (12) inches when such growth is within two hundred (200) feet of occupied residential or commercial property or is within two hundred (200) feet of any street, thoroughfare, highway, within the city.

(2) Excluded from the provisions hereof shall be tracts of land of one acre or in unplatted, undeveloped areas (i.e. not in a platted subdivision), unless all property contiguous to said parcels of land front on public streets or roadways, or has improvements erected thereon. In this event, said vegetation prohibited herein shall be cleared to within 200 feet of the parcels on which said improvements are located or the parcels which front on public thoroughfares. Also excluded herefrom are natural wooded areas containing trees.

(3) The failure to cut and destroy such weeds, grass, brush and all other rank or noxious vegetation not subject to the exclusions above, shall constitute a violation of this section. (1972 Code, § 8-201)

13-202. Enforcement. Upon the owner or occupant's failure to observe the preceding section, the following procedure shall be adhered to and the following information shall be contained in a notice of those violations:

(1) A notice must be sent to the last known address of the record property owner as shown on the tax maps of the City of Manchester, Tennessee, as well as to any occupants of said premises.

(2) The notice shall state the violations complained of and action to be taken by the addressee and shall enclose a copy of Municipal Code §§ 13-201 and 13-202 and notify the addressee that if the provisions of the notice are not compiled within a designated time period that the City of Manchester, by and through its appropriate agents, may take whatever action is required to correct the deficiencies or problems relating to that property.

(3) If the City of Manchester, Tennessee takes any action to correct the deficiencies or problems relating to the property, the owner or occupant to whom the notice is addressed shall be liable to the city for repayment of all labor and equipment costs incident to its work, based on the rates then charged the State of Tennessee, Department of Transportation (1 hour minimum charge), a copy

of which is available in the office of the finance director, plus fifteen (15%) percent for inspection and other incidental costs in connection therewith, and shall be charged to the addressee, owner and/or occupant of the property. Should those charges fail to be paid within thirty (30) days from the date of billing, a ten (10%) percent penalty shall be added and the total amount represented by the billing and penalty shall be placed on the real and/or personal property tax roles of the City of Manchester, Tennessee and assessed against the real estate, and shall be collected in the same manner as other city property taxes, or by civil action in the same manner as the collection of debt at the option of the city. If the charges are referred to the city attorney's office for collection as a civil debt, an attorney's fee may be added in the discretion of the court.

(4) The notice shall state that the addressee shall have ten (10) days from the date thereof to appeal to the Street and Sanitation Committee of the City of Manchester, Tennessee, in writing, to either obtain an extension of time or other relief from the provisions of said notice as might be sought in said appeal. The decision of the committee relative to said appeal shall be rendered in writing within five (5) days from the date of the next regularly scheduled committee meeting after receipt of said appeal.

(5) The notice shall state that the addressee shall have ten (10) days from the date of the written decision of the committee to appeal its decision to the board of mayor and aldermen. Within fifteen (15) days from the receipt of said notice of appeal, either the mayor or two (2) aldermen, in writing, may grant said party a hearing before the full board of mayor and aldermen. Failure of the mayor or two aldermen to act within said fifteen (15) day period shall constitute an affirmation of the decision of the committee and shall be final.

(6) Only one notice must be sent in any calendar year to enforce municipal code § 13-201 against a particular property, irrespective of the number of times the City of Manchester takes any action to correct the deficiency or mow the weeds or other vegetation within that calendar years. (1972 Code, § 8-202, as amended by Ord. #808, Jan. 1998)

CHAPTER 3

UNSAFE BUILDINGS

SECTION

13-301. Condemnation of unsafe buildings.
13-302. Notice.
13-303. Placard.
13-304. Court actions.

13-301. Condemnation of unsafe buildings. All buildings or structures which are unsafe, unsanitary, unfit for human habitation or not provided with adequate egress, or which constitute a fire hazard or are otherwise dangerous to human life or which constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment are declared to be unsafe buildings and illegal and shall be abated by repair and rehabilitation or by demolition in accordance with this chapter. (1972 Code, § 8-301)

13-302. Notice. When, in the judgment of the codes and health administrator or fire inspector, a building is determined in violation of this chapter, he shall give notice of such alleged violation to the person or persons responsible therefor, alleging those violations to constitute a nuisance. The notice shall be in writing and either served on the owner personally by the administrator or mailed to his last known address, and it shall include a statement of the reasons why it is being issued and shall allow one hundred twenty (120) days for the performance of any action requested. (1972 Code, § 8-302)

13-303. Placard. When notice is given by the health and codes administrator or fire inspector, he shall also place a placard on the building giving notice of such condemnation which requires the premises to be vacated within thirty (30) days after it is posted. No building condemned and placarded shall be used for human habitation after expiration of that time. No person shall deface or remove the placard until it shall have been repaired, reconstructed, altered or demolished as required by the health and codes administrator or fire inspector. (1972 Code, § 8-303)

13-304. Court actions. If, after the expiration of one hundred twenty (120) days after notice being given by the health and codes administrator or fire inspector, the building has not been repaired, reconstructed, altered or demolished according to his notice, the administrator or fire inspector shall instruct the city attorney to file suit for abatement of the nuisance against the

owner of the real estate, and such shall be filed within thirty (30) days thereafter without further authorization to the attorney. (1972 Code, § 8-304)

CHAPTER 4

[DELETED]

(as deleted by Ord. #1628, Sept. 2021 ***Ch21_07-05-22***)

CHAPTER 5

REGULATIONS OF THE INSTALLATION AND REMOVAL OF UNDERGROUND TANKS

SECTION

13-501. Permit required.
13-502. Permit fee.
13-503. Deposit.
13-504. Tank installation or removal.
13-505. Penalty for failure to erect or maintain barricades.
13-506. Deposit refund.
13-507. Pending or previous construction.

13-501. Permit required. Before underground tanks are installed or removed from any public or private property within the corporate limits of the City of Manchester, Tennessee, a permit must first be obtained from the Health and Codes Administrator of the City of Manchester, Tennessee, on forms prescribed by his office. (1972 Code, § 8-501)

13-502. Permit fee. The cost for a permit for the installation or removal of underground tanks shall be $25.00. If work begins before a permit is purchased, the cost shall be double the usual permit fee. (1972 Code, § 8-502)

13-503. Deposit. Before a permit is issued, or tank installation or removal begins, the party requesting the permit must post with the Health and Codes Administrator of the City of Manchester, Tennessee a cash deposit, corporate surety bond or irrevocable letter of credit in the amount of $500.00, which shall be held by the city until the removal is completed. (1972 Code, § 8-503)

13-504. Tank installation or removal. During actual installation or removal of the tank, temporary barricades must be erected around the excavation, and after the underground tank is installed or removed, and until the excavation is backfilled, illuminated barricades and enclosure tape must be erected around the excavation, in accordance with regulations and specifications on file in the office of the Health and Codes Administrator of the City of Manchester, Tennessee. (1972 Code, § 8-504)

13-505. Penalty for failure to erect or maintain barricades. If the property owner, or person holding the permit fails or refuses to erect illuminated barricades and enclosure tape, as required by this chapter, or if the barricade or tape is removed or destroyed before the excavation is backfilled, then the City of Manchester, Tennessee may erect suitable barricades around the excavation,

and the cost of the erection or maintenance of the barricade shall be the responsibility of the property owner and/or the party requesting the permit. (1972 Code, § 8-505, as amended by Ord. #1628, Sept. 2021 ***Ch21_07-05-22***)

13-506. **Deposit refund**. After the excavation has been backfilled, and inspected by the Health and Codes Administrator of the City of Manchester, Tennessee, and approved, the cash deposit shall be refunded, or the corporate surety bond or irrevocable letter of credit shall be cancelled and returned to the party requesting the permit; however, if the City of Manchester has expended any monies to erect or maintain a barricade around the excavation, then those costs will be deducted before a cash deposit is returned, or suit can be brought to enforce the corporate surety bond or irrevocable letter of credit to pay those expenses. If suit becomes necessary, the city shall recover the amount of its expenses, including any fees charged by the city attorney or court costs necessary to enforce this chapter. (1972 Code, § 8-506)

13-507. **Pending or previous construction**. If the installation or removal of underground tanks is in process at the time of the final passage of this chapter, or if installation or removal done previous to the passage of this chapter and the excavation has not been backfilled, then the Health and Codes Administrator of the City of Manchester, Tennessee shall give notice to the property owner of the passage of this chapter, and § 13-505 shall apply and can be enforced by the Health and Codes Administrator ten (10) days after notice is given to the owner, and suit can be brought by the city to recover its expenses, including any fees charged by the city attorney or court costs necessary to enforce this chapter if the owner fails to comply with the administrator's notice. (1972 Code, § 8-507)

CHAPTER 6

OUTSIDE DISPLAY OR STORAGE OF USED HOUSEHOLD GOODS OFFERED FOR SALE PROHIBITED

SECTION

13-601. Outside display or storage prohibited.

13-601. Outside display or storage prohibited. On properties zoned other than residential, no person or entity shall publicly display, outside of permanent structures for which there exists an appropriate certificate of occupancy, used household goods offered for sale or exchange.

Used household goods shall include, but not be limited to, items traditionally used and kept within the confines of one's residential dwelling, including clothes, furniture, decorations, appliances, exercise equipment, entertainment equipment, utensils, dishes, tools and other like items.

Used household goods shall not include complete automobiles, tractors, boats and lawn care equipment, which are typically stored in the elements.

A non-participating owner of any property being used in violation of this section shall be subject to all penalties and enforcement actions if, after adequate notice, he or she fails to take the appropriate action to comply with the requirements of this section.

The prohibition of this chapter shall not apply to:

(1) Activities on properties zoned "commercial," which are actually and lawfully being used as a residential property, as permitted by Manchester Municipal Code § 14-702, as long as there is participation by a resident of the premises; or

(2) To any properties owned by a school or church and being used as a school or church, as long as being used by a group affiliated with the school or church.

Violation of this chapter shall be punishable by a fine of up to fifty dollars ($50.00) plus a civil penalty up to two thousand five hundred dollars ($2,500.00) per violation. Any used household goods offered for sale in violation of the ordinance are subject to confiscation and forfeiture. The city court shall conduct a hearing before ordering any forfeiture. In addition to the fine imposed herein, the city court shall assess a civil penalty, as a remedial measure.

In assessing the civil penalty, the city court shall take into consideration:

(1) Any loss to the city or its citizens;

(2) Reimbursement to the city for its expenses of enforcement;

(3) To disgorge any gains or benefit from the violation;

(4) To provide restitution for harm; and/or

(5) Ensure future compliance through execution of a bond or a prospectively coercive fine.

This chapter is supplementary to and does not limit any other ordinance addressing codes, cleanliness or maintenance of real estate. Codes department employees, as well as police officers, are authorized to issue citations for violations. (as added by Ord. #1477, Dec. 2015)

CHAPTER 7

HOTELS, MOTELS, AND EXTENDED STAY HOTELS/MOTELS

SECTION

13-701. Hotel/motel and extended stay hotel/motel licensing and regulation definitions.

13-701. Hotel/motel and extended stay hotel/motel licensing and regulation definitions. (1) Definitions. (a) "Hotel" and "motel" shall mean any facility providing lodging for transients, as defined in the City of Manchester hotel/motel tax, established by the Charter of the City of Manchester, and shall include such facilities that may be exempt from the tax due solely to the durations of the period of lodging.

(b) "Extended stay room" means a room rented to a person or persons and continuously occupied by them for a period of twenty-eight (28) days or more.

(2) License required. (a) All hotels and motels must have a license to operate. The license shall be valid for one (1) year.

(b) Application for license shall be made upon a form developed by the finance director. It shall include the name of the owner of the real property upon which the facility is located; the name of the operator, if different; the number of and designation of rooms available for less than extended stay rental and the number and designation of rooms for extended stay rental and the name of an individual designated the "responsible individual" in charge of day to day operation and address and phone number of such individual. This individual must be able to provide access to the premises at reasonable times and the information required by this chapter. In the event this individual ceases to be available or is repeatedly unavailable, the codes and health administrator may suspend the facility's permit until an acceptable replacement is named.

(c) The license fee shall be one hundred dollars ($100.00).

(3) Inspection of less than extended stay rooms (reserved).

(4) Inspection of "extended stay rooms. (a) The codes and health administrator or his designee shall inspect or cause to be inspected all rooms designated extended stay rooms no less frequently than semi-annually; when a room is designated or re-designated an extended stay room and when a room is discontinued as an extended stay room. It shall be the duty of the operator to notify the codes and health administrator at least five (5) days prior to any change in designation of a room from extended stay to less than extended stay or less than extended stay to extended stay.

(b) Failure to notify the codes and health director shall subject the facility to revocation of its license in addition to other sanctions as set forth herein.

(c) Scope of inspection. The codes and health administrator shall inspect the following:

(i) Electrical system, including outlets, appliances, lamps, lighting and HVAC, as appropriate;

(ii) Plumbing system;

(iii) General cleanliness and sanitation, including but not limited to, carpet, mattresses, drapes, blinds and upholstery; and

(iv) Absence of rodents and other insects, arachnids and vermin of any type.

(d) Suspension of occupancy. Should any room present a health or safety danger to a potential occupant or should the room not contain the posted notice described in subsection (5), the codes and health administrator may prohibit use of such room or rooms until remedied. If the operator disputes the decision of the codes and health administrator; he can, within fifteen (15) days, appeal that decision to the board of mayor and aldermen by lodging a written request with the finance director. This requirement is jurisdictional and the failure to so request waives any right of appeal of the decision of the codes and health administrator.

(e) Violations. Any violation of this chapter subjects the operator and the individual designated as the responsible individual to each of the following: alone or in combination:

(i) Revocation or suspension of the hotel/motel license;

(ii) A fine of fifty dollars ($50.00) per day per room for each violation;

(iii) An injunction, temporary or permanent, against such operator from operating a hotel or motel within the City of Manchester and/or serving as a manager or other responsible individual of same; and

(iv) Padlocking the facility or such portions thereof until the re-inspection.

(f) Re-inspection fee. In the event any room or quarters are designated "not for habitation" by the codes and health administrator; a fee of fifty dollars ($50.00) per room shall be paid in advance before any re-inspection.

(g) It is an offense to permit occupation of any premises designated "not for occupation" by the codes and health administrator. Any person so permitting occupation shall, upon conviction, be subject to a fine up to fifty dollars ($50.00) for each violation. Each day of violation and each separate quarter constitute separate violations. Any person so

convicted may not be designated a "responsible individual" for one (1) year after such conviction.

(5) Notice to occupants. The operator must inform and obtain an acknowledgement in writing from each person renting an extended stay room that the room is subject to inspections to assure compliance with this chapter. In addition, the operator must post this notice in a prominent place in each extended stay room:

ROOM SUBJECT TO INSPECTION

This room, designated by the operator of this facility an 'extended stay room' is subject to inspection at any time by the City of Manchester Codes and Health Department to assure compliance with health and safety requirements. Any complaints about the condition of this room may be made to the Codes and Health Director of the City of Manchester at (931) 723-1464. (as added by Ord. #1553, June 2018 ***Ch20_5-7-19***)

TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER

1. MUNICIPAL PLANNING COMMISSION.
2. ENACTMENT.
3. DEFINITIONS.
4. GENERAL PROVISIONS.
5. SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS.
6. ZONING DISTRICTS.
7. EXCEPTIONS AND MODIFICATIONS.
8. ADMINISTRATION AND ENFORCEMENT.
9. REPEALED.
10. MUNICIPAL FLOODPLAIN ZONING ORDINANCE.
11. PLANNED UNIT DEVELOPMENTS.
12. STORMWATER ORDINANCE.

CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION

14-101. Creation and membership.
14-102. Organization, powers, duties, etc.
14-103. Additional powers.

14-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, chapter 13, there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of seven (7) members; two (2) of these shall be the mayor and an alderman selected by the board of mayor and aldermen; the other five (5) members shall be appointed by the mayor; in addition, when acting as a regional planning commission, the commission shall consist of two (2) additional members, appointed by the mayor, who shall reside within the urban growth boundary. All members of the planning commission shall serve without compensation. The terms of the mayor and the alderman selected by the board of mayor and aldermen shall run concurrently with their terms of office. The terms of all of the seven (7) members appointed by the mayor shall be for five (5) years each, with the term of office of one (1) member on the municipal planning commission ending each year. The mayor, at the first regular meeting after the adoption of the provisions in this section, in order to carry out the provisions of this section as to members from within the urban growth boundary, shall designate the expiration dates of the terms of the newly

appointed members. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (1972 Code, § 11-101, as replaced by Ord. #943, Sept. 2001, and Ord. #1677, Jan. 2023 ***Ch22_04-04-23***)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of Tennessee Code Annotated, title 13. (1972 Code, § 11-102)

14-103. Additional powers. Having been designated as a regional planning commission, the municipal planning commission shall have the additional powers granted by, and shall otherwise be governed by the provisions of the state law relating to regional planning commissions. (1972 Code, § 11-103)

CHAPTER 2

ENACTMENT

SECTION

14-201. Authority.
14-202. Title.
14-203. Purpose.
14-204. Enactment.
14-205. Repeal.

14-201. Authority. An ordinance, in pursuance of the authority granted by Tennessee Code Annotated, § 13-7-201 through 13-7-210, to provide for the establishment of districts within the City of Manchester, Tennessee: to regulate within such districts, the location, height, bulk, number of stories and size of buildings and other structures, the percentage of lot occupancy, the size of open spaces, the density of population, and the uses of land, buildings, and other structures for trade, industry, residence, recreation, public activities and similar purposes to include special districts for areas subject to flooding and areas developed as a planned development; to provide regulations governing nonconforming uses and structures; to provide for a board of appeals and for its powers and duties; to provide for permits; to establish and provide for the collection of fees; to provide for the administration of this ordinance and for the official, whose duty it shall be to enforce the provisions thereof; and to provide penalties for the violation of this ordinance; and to provide for conflicts with other ordinances or regulations. (1972 Code, § 11-201)

14-202. Title. Chapters 2-9 of this title shall be known as the Zoning Ordinance of Manchester, Tennessee, dated February 16, 1993. The zoning map shall be referred to as the Official Zoning Map of Manchester, Tennessee, and all explanatory matter thereon is hereby adopted and made a part of this title (1972 Code, § 11-202)

14-203. Purpose. The purpose of this zoning ordinance is to promote the public health, safety, morals, convenience, order, prosperity and general welfare by:

(1) Enhancing the character and stability of residential, business, commercial, and industrial areas, and promoting the orderly and beneficial development of such areas.
(2) Preventing overcrowding of land.
(3) Conserving the value of land and buildings.
(4) Minimizing traffic hazards and congestions.
(5) Preventing undue concentration of population.
(6) Providing for adequate light, air, privacy, and sanitation.

(7) Reducing hazards from fire, flood, and other dangers.

(8) Assisting in the economic provision, utilization, and expansion of all services provided by the public, including but not limited to roads, water and sewer service, recreation, schools, and emergency services.

(9) Encouraging the most appropriate uses of land.

(10) Enhancing the natural, man-made and historical amenities of Manchester, Tennessee. (1972 Code, § 11-203)

14-204. Enactment. Except as hereinafter provided, no building shall be erected or structurally altered, nor shall any building or premises be utilized for any purpose, other than those permitted in the zoning district in which the building or premises is located. No land or lot area shall be so reduced or diminished that the yards or open spaces shall be smaller than prescribed herein, nor shall the lot area per family be reduced in any manner except in conformity with the area regulations hereby established for the district in which such building is located. No yard or other open space provided about any building for the purpose of complying with these regulations shall be considered as providing a yard or other open space for any other building. (1972 Code, § 11-204)

14-205. Repeal. The existing Zoning Ordinance of Manchester, Tennessee, October 1, 1985, as amended, is hereby repealed. The adoption of this zoning ordinance, however, shall not affect or prevent any pending or future prosecution of an action to abate any existing violation of said regulations, as amended, if the violation is also a violation of this zoning ordinance. (1972 Code, § 11-205)

CHAPTER 3

DEFINITIONS

SECTION

14-301. Scope.
14-302. Definitions.
14-303. Use classification system.

14-301. Scope. For the purpose of this zoning ordinance and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as follows:

(1) The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

(2) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

(3) The word "shall" is mandatory.

(4) The work "may" is permissive.

(5) The words "used" or "occupied" includes the words "intended," "designed," or "arranged to be used" or "occupied."

(6) The word "lot" includes the words "plot" or "parcel." (1972 Code, § 11-301)

14-302. Definitions. The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout this zoning ordinance. Terms not herein defined shall have their standard dictionary definition or such as the context may imply.

(1) "Access." The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.

(2) "Accessory building or structure." A subordinate building, the use of which is incidental to that of a principal building and located on the same lot therewith.

(3) "Accessory use." A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located upon the same lot therewith.

(3.1) "Adult oriented business." Any business as defined by Tennessee Code Annotated, §§ 7-51-1101 through 7-51-1121.

(4) "Advertising." Includes any writing, printing, painting, display, emblem, drawing, sign, or other device designs used or intended for advertising, whether placed on the ground, rocks, trees, tree stumps, or other natural structures or on buildings, structures, milestones, signboards, wallboard, roofboard, frames, supports, fences or other man-made structure, and any such advertising is a structure within the meaning of the word "structure" as utilized in this zoning ordinance.

(5) "Advertising sign or structure." See sign.

(6) "Agriculture use." The use of a tract of land five (5) acres or more in size including all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture viticulture, floriculture, forests, and wood, provided, however, all health codes of Coffee County are complied with.

The feeding or disposal of community or collected garbage to animals shall not be deemed an agriculture use nor shall the commercial feed lots, the raising of furbearing animals, fish or minnow hatcheries.

(7) "Agricultural accessory use." Those structures or equipment which are normally required in the operation of agricultural uses.

(8) "Alley." A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility and public service purposes.

(9) "Alteration." As applied to a building or structure, means a change or rearrangement in the structural parts, or an enlargement, whether by extending a side or by increasing its height or structural changes, other than repairs, that would affect safety. The term "alter" in its various modes and tenses and its practical forms, refers to the making of an alteration.

(10) "Area building." The total areas taken on a horizontal plane at the main grade level of the principal building and all necessary buildings exclusive of uncovered porches, terraces, and steps.

(11) "Attached." An enclosure having continuing walls, roof and floor.

(12) "Automobile wrecking." The dismantling, storage, sale or dumping of used motor vehicles, trailers, or parts thereof. Any lot or place of business which is exposed to weather and upon which more than five (5) motor vehicles of any kind, incapable of being operated, and which it would not be economically feasible to make operative are placed, located, or found.

(13) "Average ground elevation." The elevation of the mean finished grade at the front of a structure.

(14) "Basement." A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half (1/2) of its height is above the average ground elevation or when subdivided and used for commercial activities.

(15) "Board." The Manchester, Tennessee Board of Zoning Appeals.

(16) "Buffer strip." A greenbelt planted strip not less than ten (10) feet in width. Such a greenbelt shall be composed of one (1) row of evergreen trees, spaced not more than forth (40) feet apart and not less than two (2) rows of shrubs or hedges, spaced not more than five (5) feet apart and which grow to a height of five (5) feet or more after one (1) full growing season and which shrubs will eventually grow to not less than ten (10) feet.

(17) "Building." Any structure having a roof supported by columns or by walls, including tents, lunch wagons, dining cars, mobile homes or trailers, and similar structures whether stationary or movable.

(18) "Building area of a lot." That portion of a lot bounded by the required rear yard, side yards, and the building setback line.

(19) "Building commissioner." The zoning codes officer or his authorized representative appointed by the Manchester Board of Mayor and Aldermen.

(20) "Building, main or principal." A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.

(21) "Building setback line." A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided.

(22) "Building setback line, front." A line delineating the minimum allowable distance between the street right-of-way, or if an official future street right-of-way has been established, from that future street right-of-way line, and the front of a building on a lot. The front building setback line extends the full width of the lot and is parallel to the street right-of-way.

(23) "Building setback line, rear." A line delineating the minimum allowable distance between the rear property line and a building on a lot (other than for permitted accessory structures). The rear setback line extends the full width of the lot.

(24) "Building setback line, side." A line delineating the minimum distance between the side property line and a building on a lot. The side setback line extends from the front building setback line to the rear building setback line.

(25) "Bulk." Describes the size of buildings or other structures and their relationship to each other and to open areas and lot lines.

(26) "Camping ground." A parcel of land used or intended to be used, let, or rented for occupancy by campers or for occupancy by camping trailers, tents, or movable or temporary dwellings, rooms, or sleeping quarters of any kind.

(27) "City board." The Manchester Board of Mayor and Aldermen.

(28) "Clinic." See medical facility.

(29) "Conditional use (special exception)." A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning districts but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning district as conditional uses, when specific provisions for such use is made in this zoning ordinance. For the purposes of administration of this zoning ordinance, conditional uses shall be construed as

synonymous with special exceptions, as controlled by Tennessee Code Annotated, § 13-7-107.

(30) "Convenience sales." The retail sale of small convenience items such as toiletries, tobacco, and magazines. The dispensing of petroleum products may be included as accessory to convenience food products retailing.

(31) "Convenience services." Services which are typically needed frequently or recurrently, such as barber and beauty care; and includes the operation of self-service laundromats but excludes other apparel, cleaning and repair services.

(32) "Country club." A chartered, nonprofit membership club, with facilities catering primarily to its membership or social amenities: golf, riding, club house, pool, dining facilities, lounge.

(33) "Coverage." The percentage of a lot which is covered by all buildings located therein, including the area covered by all overhanging roofs.

(34) "Day care home or center." Any place, home or institution, which receives eight (8) or more unrelated young children for general care, exercise, play or observation.

(35) "Development." Any manmade change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations. Agricultural activities such as plowing or cultivating and gardening activities are not included in this definition of development.

(36) "Dwelling." A building or part thereof used as a habitation under one of the following categories:

(a) "Single detached dwelling" means a building and accessories thereto principally used, designed, or adapted for use by a single household.

(b) "Duplex dwelling" means a building and accessories thereto principally used, designed, or adapted for use by two (2) households, the living quarters of each of which are completely separate.

(c) "Multi-family apartment or dwelling" means a building and accessories thereto principally used, designed, or adapted for use as occupancy by three (3) or more households each of which has separate living quarters.

(d) "Rooming house" means a building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than six (6) occupants and without owner-provider cooking and dining facilities.

(e) "Boarding house" means a building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than six (6) occupants and having common cooking and dining facilities.

(f) "Town house" means a residential structure containing three (3) or more nondetached dwelling units separated by a common vertical wall.

(g) "Condominium" means an apartment building or townhouse containing three (3) or more dwelling units separated by a common vertical wall.

(h) "Mobile home dwelling" means a detached one-family dwelling with all the following characteristics:

(i) Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems.

(ii) Constructed as a single self-contained unit and mounted on a single or combined chassis transportable after fabrication on its own wheels or detachable wheels.

(iii) Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, and the like.

(i) "Prefabricated dwelling" means a single detached dwelling constructed primarily off-site, designed to be transported on a flatbed truck or trailer, provided that it is installed on a permanently enclosed concrete or masonry foundation, with sewer and water connections designed for permanent connection to municipal or sanitary or on-site systems, and permanently connected to such systems. Such structures are distinguished from mobile homes as described elsewhere in this zoning ordinance when they have a minimum gross floor of six hundred (600) square feet and have no horizontal exterior dimensions of less than fifteen (15) feet not including porches or carports. When such a structure meets the above stated requirements it shall qualify as a single detached dwelling.

(37) "Family." One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family (expecting as set forth below) shall contain over five (5) persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families, and that four (4) or less boarders, including roomers, may be accommodated. The term "family" shall not be construed to mean a fraternity, sorority, club, or institutional group. The term family, as used in this zoning ordinance, shall be construed to include groups of eight (8) or fewer unrelated mentally retarded or physically handicapped persons and with two (2) additional persons acting as houseparents or guardians who need not be related to each other or to any of the

mentally retarded or physically handicapped persons residing in the house. (See Tennessee Code Annotated, title 13, chapter 24.)

(38) "Floor area." The total of the gross horizontal area of all floors, including usable basements and cellars, below the roof and within the outer surface of the main walls of principal or accessory buildings or the center lines of party walls separating such buildings or portions thereof, or within lines drawn parallel to and two (2) feet within the roof line of the building or portions thereof without walls, but excluding in the case of nonresidential facilities; arcades, porticoes, and similar open areas which are accessible to the general public, and which are not designed or used as sales, display, storage, service, or production areas.

(39) "Frontage." All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended, then all the property abutting on one side between an intersecting street and the dead end of the street.

(40) "Gasoline service station." Any area of land, including structures thereon, that is utilized for the retail sale of gasoline, oil, or automobile accessories, and incidental services including facilities for lubricating, hand car washing and cleaning, or otherwise servicing automobiles, but not including painting or major repair.

(41) "Grade, finished." The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

(42) "Health department." The Coffee County Department of Health and Environment.

(43) "Height of building or structures." The vertical distance from the average ground elevation or finished grade at the building line, whichever is the highest, to the highest point of the building or structure.

(44) "Home occupation." See § 14-509.

(45) "Hospital." See medical facilities.

(46) "Junk yard or salvage yard." A lot, land or structure, or part thereof, used primarily for the collecting, storing, and selling of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storing and salvaging of machinery or vehicles not in running conditions for the sale of parts thereof.

(47) "Landscaping." The planting and maintenance of trees, shrubs, lawns, and other ground cover, or materials.

(48) "Landholder." The legal or beneficial owner or owners of all the land proposed to be included in a planned development. The holder of an option or contract to purchase, a lessee having a remaining term of not less than fifty (50) years in duration, or other person having an enforceable proprietary interest may be considered a "landholder" for the purpose of this zoning ordinance.

(49) "Loading space." An area ten (10) feet by forty (40) feet with a fourteen (14) foot height clearance providing for the standing, loading, or unloading of a truck or other vehicle.

(50) "Lot." A piece, plot, or parcel of land in one ownership, which may include one or more lots of records, occupied or to be occupied by one or more principal building and accessory buildings, including the open spaces required under this zoning ordinance.

(51) "Lot, area." The total surface land area included within lot lines.

(52) "Lot, corner." A lot of which at least two (2) adjoining sides abut their full lengths on a street, provided that the interior angle at the interaction of two (2) such sides is less than one hundred thirty-five (135) degrees.

(53) "Lot, depth." The average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

(54) "Lot, frontage." That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

(55) "Lot, interior." A lot other than a corner lot.

(56) "Lot lines." The boundary dividing a given lot from the street, an alley or adjacent lots.

(57) "Lot of record." A lot which is part of a subdivision recorded in the office of the county register of deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the county register of deeds prior to the effective date of this zoning ordinance.

(58) "Lot width." Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines of each side of the lot, measured across the rear of the required front yard, provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width, except in the case of lots on the turning circle of cul-de-sac, where the eighty (80) percent requirements shall not apply.

(59) "Marina." A facility for the docking and servicing of boats.

(60) "Medical facilities."

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

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

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

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

(61) "Mobile home park." Any area, tract, site or plot of land whereupon mobile homes as herein defined are placed, located or maintained, and shall include all accessory buildings used or intended to be used as part of the equipment thereof.

(62) "Nonconforming use." A building, structure, or use of land existing at the time of enactment of this zoning ordinance which does not conform to the regulations of the district in which it is located.

(63) "Noxious matter." Material in gaseous, liquid or solid form which is capable of causing injury to living organisms, chemical reactions, or detrimental affects upon the social, economic or psychological well-being of individuals.

(64) "Open space." An area on the same lot with a main building which is open, unoccupied and unobstructed by structures from the ground to the sky except as otherwise provided in this zoning ordinance.

(65) "Owner." Includes his duly authorized agent or attorney, a purchaser, devise, fiduciary, and a person having a vested or contingent interest in the property in question.

(66) "Parking lot." An off-street facility including parking spaces with adequate provisions for drives and aisles for maneuvering and obtaining access, and for entrance and exit.

(67) "Parking space." An off-street space available for parking one (1) motor vehicle and having an area of not less than one hundred sixty-two (162) square feet exclusive of passageways and driveways giving access thereto, and having access to a street or alley.

(68) "Planned development." A relatively large, interrelated commercial development adhering to a master development plan and located on a single tract of land, or on two (2) or more tracts of land which may be separated only by a street or other right-of-way.

(69) "Planning commission." The Manchester Regional Planning Commission.

(70) "Principal structure." A structure in which is conducted the principal use of the lot on which it is situated. In any residential or agricultural district, any dwelling shall be deemed the principal structure on the lot on which the same is situated. Carports and garages if permanently attached to the principal structure shall be deemed a part of the principal structure. Awnings, porches, patios, or similar attachments shall be deemed a part of the principal structure with two meeting any yard requirement.

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

(72) "Professional office." The office of a physician, dentist, attorney, architect, engineer, planer, accountant, or similar professions.

(73) "Public uses." Public parks, schools, and administrative, cultural, and service buildings, not including public land or buildings devoted solely to storage and maintenance of equipment and materials.

(74) "Roadway." The actual road surface including necessary road shoulders and drainage facilities including ditches and curbs and gutters, which is used to transport motor vehicles.

(75) "Sanitary landfill." An area or site utilized by a public or private entity for disposal of solid waste or refuse in a manner which meets the regulations imposed upon the operation and maintenance of sanitary landfill sites by the State Department of Environment and Conservation.

(76) "Shopping Center." A group of compatible commercial establishment, planned, developed, and managed as a single unit, with an automobile storage area provided on the property; the center must also be related in location, size, and type of businesses to its' trade area.

(77) "Sign, billboard, or other advertising device." Any structure or part thereof or device attached thereto, or represented thereon, which shall display or include any letter, words, model, banner, flag, pennant, insignia, or any representation used as, or which is in the nature of, an announcement, direction or advertisement. The word "sign" includes the word "billboard" or any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, city or other political unit.

(a) "Business sign." A sign which directs attention to the business or profession conducted on the premises.

(b) "Billboards." A type of advertising sign having more than one hundred (100) square feet of display surface which is either erected on the ground or attached to or supported by a building or structure.

(c) "Flashing sign." Any illuminated sign, whether stationary, revolving, or rotating, which exhibits changing light or color effects, provided that revolving or rotating signs which exhibit no changing light or color effects other than those produced by revolution or rotation, shall be deemed flashing signs only if they exhibit sudden or marked changes in such light or color effects.

(d) "Ground sign." A sign supported by a pole, uprights, or braces on the ground.

(e) "Illuminated sign." A sign designed to give forth any artificial light or reflect such light from an artificial source.

(f) "Indirect illumination sign." Any illuminated nonflashing sign whose illumination is derived entirely from an external artificial source and is so arranged that no direct rays of light are projected from such artificial source into residence or streets.

(g) "Off-premises sign." A sign relating to a product, service, or establishment that is not on the premises on which the sign is located (h)

"On-premises sign." A sign relating to a product, service, or establishment that is on the premises on which the sign is located.

(i) "Pole sign or banjo sign." A type of ground sign at least ten (10) feet above the ground supported on a single post or pole most commonly associated with gasoline service situations.

(j) "Wall or flat sign." Any sign erected parallel to the face or on the outside wall of any building which projects out at any angle therefrom and projects more than twelve (12) inches beyond the face of such wall.

(k) "Roof sign." A detached sign supported upon the roof or wall of a building.

(l) "Marquee sign." A projecting sign attached to or hung from a marquee and said marquee shall be known to mean a canopy or covered structure projecting from and supported by a building, when such canopy or covered structure extends beyond the building, building line, or property line.

(m) "Temporary sign." Temporary signs shall include any sign banner, pennant, valance, or advertising display constructed of wood, metal, cloth, canvas, light fabric, cardboard, wallboard, or other light material, with or without frames, where either by reason of construction or purpose the sign is intended to be displayed for a short period of time only.

(78) "Special exception." A use which is specifically permitted if the owner can demonstrate to the satisfaction on the Board that it will meet certain standards, enumerated safeguards, or qualifying conditions.

(79) "Story." That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building between the topmost floor and the roof which is used for human occupancy in which the floor area with eight (8) feet or more of head clearance equals less than fifty (50) percent of the floor area of the story next below. Provided it is not used as a dwelling unit, a top floor in which the floor area with eight (8) feet or more of head clearance equals less than fifty (50) percent of floor are of the story next below shall be a "half-story." A basement shall be considered as a story if more than one-half (1/2) of its height is above the average ground level from which the "height of a building" is measured or if it is used for commercial purposes.

(80) "Street." A public road, highway, or thoroughfare which constitutes, or is designed to constitute, the main access to more than one lot and which has been legally dedicated and accepted for public use.

(81) "Toxic materials." Materials (gaseous, liquid, solid, particulate) which are capable of causing injury to living organisms even when present in relatively small amounts.

(82) "Travel trailer." A vehicular, portable structure designed as a temporary dwelling for travel, recreation, and vacation uses.

(83) "Travel trailer park." A plot of land designed and equipped to accommodate travel trailers for short periods of time.

(84) "Use." The purpose for which land or a building or other structure is designed, arranged, or intended, or for which it is or may be occupied or maintained.

(85) "Yard." An open space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings from the ground to the sky except as otherwise provided in this zoning ordinance, provided that accessory buildings may be located in a rear yard.

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

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

(88) "Yard, side." The required space unoccupied except as herein provided, measured between the side lot line and the nearest point of the principal building and between the front yard and the rear yard. (1972 Code, § 11-302, as amended by Ord. #807, Jan. 1998; and Ord. #873, March 2000)

14-303. Use classification system. The provisions of this section shall be known as the use classifications. The purpose of these provisions is to classify land uses into a number of specifically defined types on the basis of common functional characteristics and similar compatibility with other uses, thereby with criteria which are directly relevant to the public interest. These provisions shall apply throughout the zoning regulations. Where there is a question concerning the appropriate activity classification for any use not listed herein, the board of zoning appeals shall make the determination based upon the characteristics of the unlisted use.

(1) Listing of activity classifications. All activities are hereby classified into the following activity types:

(a) Residential activities.

(i) Permanent

Dwelling, single detached
Dwelling, duplex
Dwelling, mobile home
Dwelling, multi-family
Mobile home park

(ii) Semi-permanent

Boarding house
Rooming house

(b) Community facility activities.

Administrative
Community assembly
Community education
Cultural and recreation services

Essential service
Extensive impact
Health care
Intermediate impact
Personal and group care facilities
Religious facilities

(c) Commercial activities.
Animal care and veterinarian services
Automotive parking
Automotive service and repair
Building materials and farm equipment
Consumer repair services
Construction sales and services
Convenience commercial
Entertainment and amusement services
Financial, consulting, and administrative
Food and beverage service
Food service - drive-in
General business and communication services
General personal service
General retail trade
Group assembly
Medical and professional services
Transient habitation
Transport and warehousing
Undertaking services
Vehicular, craft, and related equipment sales, retail and delivery
Wholesale sales

(d) Manufacturing activities.
Limited
Intermediate
Extensive

(e) Agricultural, resources production, and extractive activities.
Agricultural services
Crop, animal and poultry raising
Mining and quarrying
Plant and forest nurseries
Commercial feed lots and stockyards

(2) Accessory uses. In addition to the principal activities expressed above, each activity type shall be deemed to include activities customarily associated with, and appropriate, incidental, and subordinate to the principal activity. The accessory uses permitted are presented with the regulation section of each district as set forth in this zoning ordinance.

(3) Residential activities. (a) Permanent residential. The occupancy of living accommodations on a monthly or longer basis with none of the living units under the same ownership or management on the same zone lot being occupied on a less-than-monthly basis. This shall not include institutional living arrangements involving the provision of any kind of special care or forced residence such as nursing homes, orphanages, asylums, half-way houses or prisons, except as provided by general law of the state. The following dwelling types as defined by this zoning ordinance are permanent residential activities; however, only those dwelling types as indicated by individual district regulations may be permitted therein.

Dwelling, single detached
Dwelling, duplex
Dwelling, mobile home
Dwelling, multi-family (apartment, townhouse)
Mobile home park

(b) Semi-permanent residential. The occupancy of living accommodations partly on a monthly or longer basis and partly for a shorter time period, but with less than thirty (30) percent of the living units under the same ownership or management on the same zone lot being occupied on a less-than-monthly basis. This shall not include institutional living arrangements involving the provision of a special kind of care or forced residence, such as nursing homes, orphanages, asylums, half-way houses, and prisons, except as provided by general law of the state. The following dwelling or rooming unit-types as defined by this zoning ordinance are considered as semi-permanent residential activities; however, only those dwelling or rooming unit types as indicated by individual district regulations may be permitted therein.

Boarding house
Rooming house

(4) Community facility activities. (a) Administrative services. The activities typically performed by public, utility, and nonprofit private administrative offices. These activities would include:

City, county, state, and federal offices
Civil defense facilities
Court buildings
Fire department facilities
Police department facilities
Post offices

(b) Community assembly. The activities typically performed by or at institutions and installations for various social, athletic, and recreational purposes. These activities do not include facilities primarily utilized for profit. They would include:

Civic, social, fraternal, and philanthropic associations

Private (nonprofit) clubs, lodges, meeting halls, and recreation centers

Temporary nonprofit festivals

(c) Community education. The activities typically performed by the following institutions:

Public and private nursery schools

Kindergarten, primary and secondary schools

(d) Cultural and recreational services. The activities of a cultural or recreational nature which are either owned by, or operated for the use and enjoyment of, the general public. This does not embrace such facilities which are privately owned and operated for profit. These activities would include:

Art galleries

Libraries

Museums

Parks, playgrounds, and playfields

Planetariums and aquariums

Recreational centers and gymnasiums

Swimming pools and beaches

Zoological and botanical gardens

(e) Essential services. Includes the maintenance and operations of the following installations:

Electrical and gas substations

Electrical, gas, water, and sewer distribution and collection lines

Pumping facilities for water and sewer systems

Rights-of-way for transportation modes

Telephone switching facilities

(f) Extensive impact facilities. The activities that have a high degree of impact upon surrounding land uses due to their hazards or nuisance characteristics, as well as traffic generation, parking, and land requirements and typically performed by, or the maintenance and operation of, the following institutions and installations:

Airports, air cargo terminals, heliports, or other aeronautical devices

Correction and detention institutions

Electricity generating facilities and transmission lines

Garbage incineration plants, including cogeneration facilities; sanitary landfills

Major fuel transmission lines and facilities

Major mail processing centers

Mail installations

Public and private utility corporations and truck yards, including storage yards

Railroad yards and other transportation equipment marshalling and storage yards

(g) Health care facilities. Includes the activities typically performed by the following institutions but not including the offices, clinics, etc., of private physicians or other health care professionals:

Centers for observation or rehabilitation
Convalescent homes
Hospitals
Medical clinics

(h) Intermediate impact facilities. The activities that have a significant effect upon surrounding land uses due to their traffic generation characteristics, parking requirements, land requirements, or potential nuisances and typically performed by, or the maintenance and operation of the following institutions or installations.

Cemeteries, columbariums, and mausoleums
Colleges, junior colleges, and universities, but excluding profit-making business schools
Commercial boat docks, marinas, and yacht clubs
Golf courses
Water storage facilities, water and sewage treatment plants
Radio and TV transmission facilities
Country clubs

(i) Personal and group care facilities. The activities and facilities to provide for the care of preteenage children, disabled and handicapped persons needing special care or supervision, care for the elderly and other individuals requiring supervised care, but excluding facilities for delinquent, criminally dangerous, or psychotic people. These activities would include:

Associations for physically or mentally handicapped persons
Day care centers
Group homes for physically or mentally handicapped persons
Nursing homes
Retirement or rest homes
Orphanages

(j) Religious facilities. The activities or facilities utilized by various religious organizations for worship or community service functions but excluding any facility the primary functions of which is to produce products or printed matter for sale or general distribution. The activities include:

Chapels
Churches
Convents or monasteries
Sanctuaries
Synagogues
Temples

(5) Commercial activities. (a) Animal care and veterinarian services. Include the provision of animal care, treatment, and boarding services.

Veterinarian clinics and kennels

(b) Automotive parking. Includes the parking and/or storage of motor vehicles but excluding junk or scrap vehicles.

Auto parking lots

Parking garages

(c) Automotive services and repair. Includes the sale, from the premises, of goods and the provision of services which are generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorist needs, as well as clean-up, painting and repair of automotive vehicles, including body work and installation of accessories.

Auto cleaning and repair services

Auto glass repair and replacement shops

Auto inspection and diagnostic services

Auto paint shops

Auto towing services

Car washes

Gasoline, fuel, and oil sales and service

Radiator and muffler shops

Tire retreading and repair shops

Wheel alignment and transmission repair shops

(d) Building materials and farm equipment. Includes the retail and wholesale sales and storage of materials used in the construction of buildings and other structures as well as the retail and wholesale sale and storage of implements, equipment, feed and seed used in agricultural pursuits.

Farm equipment and supplies

Feed milling and sales

Heating, plumbing, and electrical supplies

Lumber and other building material dealers

Retail nurseries, lawn and garden supply stores

Seed storage and sales

(e) Consumer repair services. Include the servicing and repair of appliance, furniture, and equipment generally used or owned by individuals, not including the repair of any type of automobile.

Blacksmith shops

Electrical repair shops

Gunsmith shops

Instrument repair shops

Locksmith shops

Office equipment cleaning and repair

Reupholstery and furniture repair

Saddlery repair shops

Watch, clock, and jewelry repair
Lawn mower repair shop

(f) Construction sales and services. Includes the offices, buildings, and shops of various types of contractors as well as incidental on-site construction and storage.

Builder's hardware
Carpentering contractors
Concrete contractors
Excavation contractors
General building contractors
Glazing contractors
Highway and street construction contractors
Masonry, stonework, tile setting, and plastering contractors
Painting, paper hanging and decorating services
Plumbing, heating, and electrical contractors
Roofing and sheet metal contractors

(g) Convenience commercial. Includes the retail sale, from the premises, of groceries, drugs, and other frequently needed personal convenience items, as well as the provision of personal convenience services which are typically needed frequently or recurrently, provided that no establishment shall exceed five thousand (5,000) square feet of gross floor area.

Barber shops
Beauty shops
Drug stores
Fruit and vegetable markets
Grocery stores
Hardware store (no outside storage)
Laundry and dry cleaning pick-up stations
Liquor stores
News stands
Self-service gasoline pumps
Tobacco shops

(h) Entertainment and amusement services. Include the provisions of cultural, entertainment, educational, and athletic services, other than those classified as community facility activities, to assembled groups of spectators or participants.

Art galleries (commercial)
Batting and golf driving ranges
Bowling alleys and billiard parlors
Coin operated amusement arcades
Dance halls and studios
Exhibition halls and auditoriums
Recording and TV production services

Skating rinks
Theaters
Theatrical producers, bands, orchestras, and entertainers

(i) Financial, consulting, and administrative services. Include the provision of financial, insurance, and real estate brokerage services, as well as advice, designs, information, or consultations of a professional nature (other than those classified as community facility activities, medical and professional service, or business and communication services). These also include the executive, management, or administrative activities of private, profit oriented firms, but exclude the sale and/or storage of goods or chattel unless otherwise permitted by this zoning ordinance.

Agricultural credit institution
Banking and bank-related functions
Credit unions
Holding and investment organizations
Insurance carriers, agents, brokers, and service
Money management and investment offices
Real estate brokers, managers and appraisers
Rediscount and financial institutions for credit agencies other than banks
Savings and loan associations
Securities commodities, brokers, dealers, and exchanges
Title offices

(j) Food and beverage service. Include the retain sale of prepared food or beverages for primarily on-premises consumption within the principal structure on the zone lot.

Restaurants
Taverns

(k) Food service drive-in. Includes the retail sale of prepared food or beverages for either home or on premises consumption either within the principal structure or within a parked car on the same zone lot.

Drive-in restaurants
Fast food restaurants with drive-thru service

(l) General business and communication services. Include the provision of service of a clerical, goods brokerage, and communications of a minor processing nature, copying and blueprinting services, custom printing (except books) but include the sale and/or storage of goods and chattel unless otherwise permitted by this ordinance.

Advertising agencies and services
Commercial cleaning services
Commercial testing laboratories
Communications services

Radio and television; broadcasting studios
Telegraph offices and message centers
Telephone exchanges and relay towers
Television and recording production studios
Computer and data processing services
Credit reporting, adjustment, and collection agencies
Detective agencies and protective services
Drafting services
Employment, personnel, and temporary help services
Exterminating services
Interior decorator and consulting services
Mailing, reproduction, and commercial art services
Management, consulting, and public relations services
Membership organizations
Automobile clubs
Better business bureaus
Chamber of commerce
Labor unions
Political organizations
Professional associations
News syndicates
Photofinishing services
Research and development laboratories
Trading stamp services
Travel agencies
Vehicular and equipment rental and leasing services

(m) General personal services. Include the provision to individuals of informational and instructional services as well as the provision of care and maintenance for personal items. These activities to not include the storage or sale of goods or chattel unless otherwise permitted herein.

Catering services
Laundry, cleaning, and garment services
Miscellaneous personal services
Clothing rental agencies
Health spas
Photographic studios
Shoe repair and hat cleaning shops
Special training and schooling services
Art and music schools
Barber and beauty schools
Business schools

Dancing schools/exercise studios
Driving schools

(n) General retail trade. Includes the retail sales or rental from the premises, primarily for personal or household use, of goods and/or services but excluding goods and services listed in the other classifications herein.

Antique and second hand merchandise stores
Automotive parts (no exterior storage)
Book and stationery stores
Camera stores
Candy, nut and confectionery stores
Children's and infant's stores
Dairy products stores
Department stores
Drapery, curtain, and upholstery stores
Drug stores and proprietary stores
Family clothing stores
Floor covering stores
Florists
Fruit stores and vegetable markets
Furniture stores
Furriers and fur shops
Gift shops
Grocery stores
Hardware stores
Hobby, toy, and game stores
Household appliance stores
Jewelry stores
Liquor stores
Luggage shops
Meat and seafood markets
Men's and boy's clothing and furnishing stores
Miscellaneous apparel and accessory stores
Bathing suit stores
Custom tailors
Sports apparel stores
Uniform stores
Miscellaneous general merchandise stores
Direct selling organizations
Mail order houses
Miscellaneous home furnishings stores
Bedding and linen stores
Cookware stores
Cutlery stores

Glassware and china shops
Lamp and shade shops
Paint and wallpaper stores
Music stores
News stands
Radio and television stores
Retail bakeries
Sewing and piece goods stores
Shoe stores
Sporting goods stores
Tobacco shops
Variety stores
Women's accessory and specialty stores
Women's ready-to-wear store

(o) Group assembly. Includes the provision of cultural, entertainment, educational, and athletic services, other than those classified as community facilities, to large groups of assembled spectators and/or participants (five hundred (500) or more) or that have a substantial potential impact upon adjoining property.

Amusement parks
Commercial camp grounds
Commercial resorts
Commercial sports arenas and playing fields
Drag strips
Race tracks (auto, motorcycle, dog, and horse)

(p) Medical and professional services. Includes the provision of therapeutic, preventive, or corrective personal treatment services by physicians, dentists, and other practitioners, as well as testing and analysis and the offices of various other professionals, the service of which is provided in an office environment.

Accounting, auditing, and bookkeeping services
Artist studios (excluding commercial artists)
Attorneys and law offices
Chiropractor offices
Consulting services
Dental offices and laboratories
Educational and scientific research services
Engineering and architectural services
Optometrists
Physicians' offices and clinics (out patient services)
Physiologists and psychotherapists
Songwriters and music arrangers
Urban planning services
Writers and lecturers

(q) Transient habitation. Includes the provision of lodging services to transient guests, having at least seventy (70) percent of its accommodation available on a less-than-weekly basis, other than those classified as residential activities.

Hotels
Motels
Tourist courts

(r) Transport and warehousing. Includes the provision of warehousing, storage, freight, handling, shipping, and trucking services.

Bus and truck maintenance and repair
Food lockers
General warehousing
Household goods storage
Packing and creating services
Railroad, bus and transient terminals
Refrigerated warehousing
Truck terminals freight handling services

(s) Undertaking services. Include the provision of undertaking and funeral services involving the care and preparation of the human deceased prior to burial.

Funeral and crematory services

(t) Vehicular, craft,and related equipment. Includes the retail or wholesale sale or rental from the premises of vehicular and related equipment with incidental maintenance.

Boat and motor dealers
Mobile home dealers
Motor vehicle dealers
Motorcycle dealers
Recreational vehicle and utility trailer dealers

(u) Wholesale sales. Includes the storage and sale from the premises of goods to other firms for resale, as well as the storage of goods and their transfer to retail outlets. These would include such uses as:

Apparel, piece goods and notions
Beer, wine and distilled alcoholic beverages
Chemicals and allied products
Drugs, drug proprietaries, and sundries
Electrical goods and appliances
Farm products raw materials
Farm supplies
Furniture and home furnishings
Groceries and related products
Hardware, plumbing, and heating equipment and supplies
Lumber and other construction materials
Machinery, equipment, and supplies

Metals and minerals
Motor vehicles sales, service, repair and refurbishing and sales of automobile parts and supplies
Paper and paper products
Petroleum and petroleum products
Sporting, recreational, photographic, and hobby goods
Tobacco and tobacco products
Toys and supplies

(v) Adult entertainment establishments. Includes all "adult oriented businesses" and activities defined by this chapter. This grouping includes all facilities wherein material is presented or exhibited which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined by this chapter, and for observation by patrons at any of the following:

Adult arcade
Adult bookstore
Adult mini-motion picture theater
Adult motion picture theater

(6) Manufacturing activities. Manufacturing activities include the on-site production of goods by methods other than agricultural or extractive in nature.

(a) Limited manufacturing activities. Include the following operations.

(i) The manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of the following products:

Apparel and accessories
Art objects
Bakery goods
Beverages (nonalcoholic)
Dairy products
Instruments for scientific, medical, dental, engineering, and other professional purposes
Optical instruments and lens
Printed matter
Signs

(ii) Activities and operations which include the following:

Book binding
Data processing service
Photocopying
Photoengraving
Precision machining of dies, jigs,and fixtures

Printing
Publishing
Record pressing
Upholstering
Welding

(b) Intermediate manufacturing activities. Include the following:

(i) The manufacture, compounding, processing, assembling, packaging, treatment or fabrication of products, except for the following:

Cotton seed oil
Explosives
Fireworks
Organic fertilizers

(ii) Other activities and operations, except for the following:

Abrasive, asbestos, and nonmetallic mineral processing
Arsenals
Asphaltic cement plants
Atomic reactors
Automobile wrecking yards, scrap and waste materials
Cement and/or concrete plants
Chemical manufacturing in excess of one (1) ton per day
Cotton ginning
Fat rendering
Foundries
Grain milling
Junk yards
Offal processing
Ore reduction
Paper mills
Petroleum refining
Pulp manufacturing
Rolling and finishing of ferrous materials
Slaughtering of animals
Smelting and refining of metals and alloys
Steel works (other than those listed)
Tanning

(c) Extensive manufacturing activities. Include all intermediate manufacturing activities (described above) and the exceptions listed above, except as follows:

Arsenals
Atomic reactors
Explosives manufacturing and storage

Fireworks manufacturing
Hazardous wastes storage and/or transfer
Radioactive waste handling
Solid waste landfills
Solid waste processing and recycling
Waste incinerators, including hospital and medical waste

The above exceptions may be defined to be included within the extensive manufacturing classification only after proper review by the board of appeals.

(7) Agricultural, resources production, and extractive activities.

(a) Agricultural services. Include various activities designed to provide needed services for agricultural uses and are appropriately located in close proximity thereto.

Crop drying, storage, and processing
Crop planting, cultivating and protection services
Horticultural services
Soil preparation services
Riding stables
Livery stables

(b) Commercial feed lots and stockyards. Include facilities and operations involved in the storage and feeding (other than pasture grazing) of animals for resale or slaughter.

(c) Crop and animal raising. Includes the raising of tree, vine, field, forage, and other plant crops intended to provide food or fiber, as well as keeping, grazing, or feeding animals for animal products, animal increase, or value increase, but specifically excluding commercial feed lots and facilities for the processing, packaging, or treatment of agricultural products.

Dairies
Farms
Raising of plants, animals, and fish
Truck gardens

(d) Mining, drilling and quarrying. Includes drilling operations and facilities either utilized by, or in support of the extraction of minerals, ores, petroleum, and natural gas or in the quarrying and collection of stone, gravel, sand, clay, and other nonmetallic minerals.

Chemical fertilizer and nonmetallic mineral mining
Clay, ceramic, and refractory minerals
Coal mining
Crude petroleum and natural gas production
Metal ore and mineral mining
Sand and gravel quarrying
Stone quarrying

(e) Plant and forest nurseries. Includes the cultivation for sale of horticultural specialties, such as flowers, shrubs, and trees, intended for ornamental, landscaping, or tree planting purposes.

Forest nursery

Plant nursery (1972 Code, § 11-303, as amended by Ord. #873, March 2000, and Ord. #1682, March 2023 ***Ch22_04-04-23***)

CHAPTER 4

GENERAL PROVISIONS

SECTION

14-401. Scope.
14-402. Only one (1) principal structure on any lot.
14-403. Lot must abut a public street.
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14-401. Scope. No building or land shall hereafter be used and no building or part thereof shall be erected, moved, or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located. (1972 Code, § 11-401)

14-402. Only one (1) principal structure on any lot. Only one (1) principal structure and its accessory structures may hereafter be erected on any lot. This provision does not prohibit planned development complexes as permitted under § 14-620(1), of this title, multi-family dwellings or mobile home parks. (1972 Code, § 11-402)

14-403. Lot must abut a public street. No building shall he erected on a lot which does not abut at least one (1) publicly maintained street for at least fifty (50) feet. This section shall not apply to residential properties in a residential district abutting a cul-de-sac, which shall abut a public street at least forty (40) feet. (1972 Code, § 11-403)

14-404. Reduction in lot area prohibited. No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of the zoning ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose. No part of any yard or other open space or automobile storage area or loading or unloading space provided about any building for the purpose of complying with these regulations shall be

considered as providing such space similarly required for any other structure. (1972 Code, § 11-404)

14-405. Rear yard abutting a public street. When the rear yard of a lot abuts a public street, all structures built in that rear yard shall observe the same setback as required for adjacent properties which front on that street. In addition, any structure located within twenty-five (25) feet of that setback line shall be no closer to any side property line than the distance required for side yards on adjoining properties fronting on that street. (1972 Code, § 11-405)

14-406. Corner lots. The side yard setback requirements for corner lots shall be the same as the front setback requirements for the next adjacent lot fronting on the street that the side yard of the corner lot faces. (1972 Code, § 11-406)

14-407. Future street line. For the purpose of providing adequate space for the future widening of streets, required setbacks, or front yards, shall be determined by the right-of-way as shown on the latest official Manchester major thoroughfare plan. (1972 Code, § 11-407)

14-408. Obstruction to vision at street intersection prohibited. In all districts, on a corner lot within the area formed by the center lines of intersecting street and a line joining points on such center lines at a distance of ninety (90) feet from their intersection, there shall be no obstruction to vision between a height of three and one-half (3 1/2) feet and a height of ten (10) feet above the average grade of each street at the center line thereof. This section shall not be deemed to prohibit any necessary retaining walls. (1972 Code, § 11-408)

14-409. Access control. In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact, the following regulations shall apply:

(1) A point of access for vehicles onto a street shall not exceed thirty (30) feet in width. In nonresidential districts, vehicular service uses may be permitted points of access exceeding thirty (30) feet, but not exceeding forty (40) feet in width providing that they do not exceed fifty (50) percent of their respective street frontage.

All points of access shall be so constructed as to provide for proper drainage and be surfaced at the property owner's expense with asphalt or concrete constructed as required by the applicable code or ordinance to withstand vehicular traffic from the right of way/property owner's line to the existing roadway surface.

(2) There shall be no more than two (2) points of access to any one public street for each four hundred (400) feet of lot frontage, or fraction thereof,

provided, however, that lots less than one hundred (100) feet in width shall have no more than one point of access to any one public street.

(3) No point of access shall be allowed within twenty (20) feet of the curb line (or road line when there is no curb) of a public intersection.

(4) No curbs on city streets or rights-of-way shall be cut or altered without approval of the Manchester City Street Superintendent, or if a state highway, a permit must be obtained from the Tennessee Department of Transportation.

(5) Where two (2) driveways are provided for one (1) lot frontage, the clear distance between the driveways shall not be less than twenty-five (25) feet.

(6) Cases requiring variances relative to the above provisions due to topographic limitations shall be heard and acted upon by the board of zoning appeals, provided, further, that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly into a public street. (1972 Code, § 11-409, as amended by Ord. #1582, Dec. 2019 ***Ch21_07-05-22***)

14-410. <u>Accessory use regulations</u>. The use of land, buildings, and other structures permitted in each of the districts established by this zoning ordinance are designed by listing the principal uses. In addition to such principal uses, accessory uses which are customarily incidental to the permitted principal uses are also permitted in each district. Each accessory use shall:

(1) Be customarily incidental to the principal use established on the same lot.

(2) Be subordinate to and serve such principal use.

(3) Be subordinate in area, intent, and purpose to such principal use.

(4) Contribute to the comfort, convenience, or necessity of users of such principal use.

(5) The number, size and maximum coverage area for each individual accessory structure and the total of all accessory structures shall be determined by the ordinance and regulation provisions applicable to each zone or district. If freestanding, they shall be located in the rear yard in relation to the principal structure on any zone lot. (1972 Code, § 11-410, as amended by Ord. #1314, Nov. 2011)

14-411. <u>Buffer Strips</u>. Where a use is established in areas zoned commercial or industrial which abuts at any point upon property zoned residential, the developer of said use shall provide a landscaped buffer strip of no less than twenty-five (25) feet in width at the point of abutment. The buffer strip shall be no less than twenty-five (25) feet.

Furthermore, there shall be installed around the rear of all drive-in restaurants, a four (4) foot fence designed to catch all litter or trash generated on the site, unless specific conditions deem otherwise as determined in a hearing by the board of zoning appeals.

The owner, or his agent, shall be responsible for the maintenance, repair and replacement of all landscaping materials and barriers as may be required by the provisions of this section. All plant material shall be tended and maintained in a healthy growing condition, replaced when necessary and kept free of refuse and debris. Fences and walls shall be maintained in good repair.

In addition to landscaping provisions described above, fences or walls may be used to supplement or replace the required buffer strips. These fences shall be constructed of wood, brick, stone, metal or plastic in character with the surrounding residential area. In addition to the fences or walls required as buffers, visual screens of similar material are required around outdoor storage areas (this provision does not apply to outdoor display areas of goods commonly sold outside). All fences or walls constructed as a buffer or screen must be approved by the planning commission prior to construction. (1972 Code, § 11-411, as amended by Ord. #818, May 1998)

14-412. Travel trailers outside of campgrounds or travel trailer parks. . It shall be unlawful for any travel trailer to be occupied more than thirty (30) days outside of any property designated a travel trailer park, campground, or properly permitted event venue. This provision shall not apply to the storage of travel trailers provided the trailer is not permanently occupied as a dwelling unit. (as added by Ord. #1687, April 2023 ***Ch22_04-04-23***)

14-213. Travel trailers permitted. Individuals constructing or remodeling a single-family dwelling may be issued a travel trailer permit for a fee of two hundred dollars ($200.00) at time of building permit issuance. The permit shall be valid for one hundred eighty (180) days and may be renewed no more than two (2) times. Any permit issued in accordance with the provisions of this section is not transferable from one (1) person to another person, nor from one (1) location to another. The director may revoke the permit if the permit holder fails to comply with the provisions of this section. Placement of travel trailer must be on parcel on which the building permit is issued and meet all setback within that zone. The parcel must have approved access from city right of way. The travel trailer must have approved sanitary sewer and potable city water connections. Any electric usage must be approved by Duck River Electric Membership Corporation. (as added by Ord. #1688, May 2023 ***Ch23_08-06-24***)

CHAPTER 5

SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS

SECTION

14-501. Off-street parking requirements.
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14-513. Development standards.
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14-520. Development standards for cemeteries.
14-521. Minimum design standards for transmission and communication towers and stations.
14-522. Limitations on pain management clinics.
14-523. Guidelines for murals in the historic zoning district.

14-501. Off-street parking requirements. In all districts, accessory off-street parking shall be provided in conformity with the requirements set forth in this section for all uses permitted by right or as a conditional use.

A parking space is required for a portion of a unit of measure one-half (1/2) or more of the amount set forth herein.

For an enlargement or modification resulting in a net increase in the floor area or other applicable unit of measure specified herein, the same requirements shall apply to such net increase in the floor area or other specified unit of measurement.

In the case of uses where the planning commission is required to prescribe the number of parking spaces, it shall base its determination on such factors as the traffic generation of the facilities, the time operation of such

facilities, their location, and other such factors as affect the need for off-street parking as required under the conditional use provisions.

Off-street automobile storage or standing space shall be provided on each lot upon which any of the following uses are hereafter established. One (1) vehicle space shall be one hundred sixty-two (162) square feet in size (nine feet by eighteen feet (9' x 18') and such space shall be provided on each lot upon which any of the following uses are hereafter established. One (1) vehicle space shall be provided with vehicular access to a street or alley. The required number of parking spaces shall be provided on property owned by the relevant property owner. Such spaces shall be located where they are within easy walking distance and easily accessible to the services and use they service. Street or highway right-of-way shall not be utilized to meet the minimum number of required parking spaces. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below:

(1) Residential activities. (a) Permanent. (i) Single family dwellings; two-family dwellings, mobile homes. Two (2) per each dwelling unit.

(ii) Multi-family dwelling (3 or more); townhouses; condominiums. Two (2) spaces per each dwelling unit.

(iii) Elderly housing, (persons over the age of sixty (60). One and one-half (1/2) spaces per unit.

(b) Semi-permanent. (i) Boarding or rooming house. One and one-half (1 1/2) spaces for each dwelling or rooming unit.

(2) Community facility activities. (a) Cultural and recreational services. Accessory off-street parking shall he provided for the specific number of square feet of gross area or seating capacity or other specified unit of measurement (or traction or one-half (1/2) or more thereof) for the type following specified uses within the activity types indicated.

(i) Art galleries, museums, libraries. One (1) space for each eight hundred (800) square feet of gross floor area.

(ii) Swimming pools. One (1) space per four (4) persons, based on design capacity of pool.

(iii) Parks, playgrounds and athletic fields. Ten (10) spaces for every acre of land devoted to field, plus one (1) space for every four (4) spectator seats.

(iv) Recreation centers and gymnasiums (public/nonprofit). Fifty (50) percent of the capacity in persons.

(b) Essential public transport, communication, and utility services.

(i) Electric and gas substations. One (1) space for each employee on major shift, plus one (1) per company vehicle.

(c) Administrative services; government office. One (1) space for each three hundred (300) square feet of gross floor area.

(d) Community assembly. One (1) space for every three (3) persons of rated capacity of the facility.

(e) Education facilities; public and private schools.

(i) Kindergarten and nursery. One (1) space for each employee.

(ii) Elementary and middle schools grades 1-9. One (1) space for each teacher and staff member, plus one (1) space per two (2) classrooms.

(iii) High school, grades 9-12. One (1) space for each teacher and staff member, plus one (1) space for every three (3) students, based on design capacity.

(iv) Vocational or trade schools. One (1) space for each student plus one (1) space for each employee.

(f) Extensive impact facilities. (i) Airports, heliports, or other aeronautical devices. One (1) space for each employee, plus one (1) space for every one hundred (100) square feet of gross floor area in areas open to public.

(ii) Detention or correctional institutions. One (1) space for each staff member and facility vehicle, plus one (1) space per twenty-five (25) inmates.

(iii) Electricity generating facilities, radio, and television towers, and transmission facilities. One (1) space for each employee.

(iv) Railroad, bus, and transit terminals for passengers. One (1) space for each two hundred (200) square feet of waiting room.

(v) Railroad yards and other transportation equipment marshaling and storage yards. One (1) space for each employee.

(vi) Water and sewage treatment plants. One (1) space for every employee.

(g) Health care facilities. (i) Hospitals. One (1) space for two (2) beds, plus one and one-half (1 ½) spaces for each emergency room examination table or bed, plus one (1) per employee on major shift other than doctors, plus one (1) space for each doctor on staff.

(ii) Medical or dental clinics. Three (3) spaces for each staff member or doctor or dentist.

(h) Special personal and group care facilities. (i) Day care centers and family day care homes. One (1) space for each staff member, plus one (1) space for every eight (8) pupils.

(ii) Family and group care facilities. Two (2) spaces for every employee.

(iii) Nursing homes or convalescent homes. One (1) space for each staff member, plus one (1) space for each three (3) patient beds.

(iv) Religious facilities. All uses: One (1) space for each three (3) seats.

(3) Commercial activities. (a) Uses located on freestanding sites. One (1) parking space shall be required for each of the following amounts of gross floor area. For example, where you see the number 250, in the column labeled Gross Floor Area, this means, one (1) parking space is required for every two hundred-fifty (250) square feet of gross floor area in the building, or rooms to be used for each activity.

Activity Type	Gross Floor Area (Square Feet)
(i) Nursery or green house retail sales.	One (1) space per 1,000 square feet of sales area, plus one (1) space for each employee.
(ii) Retail trade - automotive, marine craft and aircraft sales, rental and delivery.	One (1) space per 500 square feet of enclosed sales or rental floor area, plus one (1) space per 2,500 square feet of open sales or rental display area, plus two (2) spaces per service bay, plus one (1) space for each employee.
(iii) Retail sale of building materials, farm equipment and hardware.	One (1) space per 400 square feet of enclosed sales area, plus one (1) space per 2,500 square feet of open sales display area, plus one (1) space for each employee.
(iv) Food and beverage service.	One (1) space for every three (3) seats plus one (1)

		space for each employee on major shift.
(v)	Food service drive-in (fast food).	One (1) space for every two (2) seats, plus one (1) space for each employee on major shift.
(vi)	Retail food stores.	
	(A) Convenience store.	150
	(B) Grocery store.	200
(vii)	General retail store.	
	(A) Up to 25,000 square feet.	200
	(B) Over 25,000 square feet.	250
(viii)	Furniture store and home furnishings.	200
(ix)	Shopping center.	
	100,000 square feet or less.	200
	Over 100,000.	250
	Service Activities	
(i)	Animal care and veterinarian services; veterinary hospital.	Three (3) spaces for every doctor, plus one (1) space for each employee.
(ii)	Automobile services and repair.	One (1) space for each employee, plus two (2) spaces for each service bay.
(iii)	Business services. (All Uses).	400 Plus one (1) space for each employee.

(iv)	Contract construction office.	300 Plus one (1) for each company vehicle.
(v)	Equipment repair services.	300
(vi)	Entertainment and amusement.	
	(A) Art galleries.	800
	(B) Bowling alleys.	Five (5) spaces for each alley, plus one (1) for employee.
	(C) Billiard parlor.	Two (2) spaces per table.
	(D) Coin operated arcades.	250
	(E) Commercial recreation.	
	(1) Dance halls and skating rink.	100
	(2) Golf courses, driving range, putt-putt course.	Six (6) spaces per hole, plus one (1) for each employee.
	(3) Exhibition halls, auditoriums, amphitheaters.	One (1) space for each three (3) seats, plus one (1) for each employee.
	(F) Motion picture theatre.	One (1) space for each three (3) seats, plus one (1) for each employee.
	(G) Recording, television, and radio studios.	One (1) space for each employee.
	(H) Resorts and group camps.	One (1) space for every campsite,

		plus one (1) space for each employee.
	(I) Fairgrounds, amusement parks, carnivals, circuses.	One (1) space for every 200 square feet of enclosed building, plus one (1) space for every three (3) persons the facility is designed to accommodate.
(vii)	Finance, insurance and real estate service. (All uses).	200 Plus one (1) space per each employee.
(viii)	Gasoline service station.	500 Plus two (2) spaces for each service bay and one (1) for each employee.
(ix)	Funeral, mortuary, undertaking services.	One (1) space for every four (4) seats, plus one (1) for each employee, plus one (1) space for every company vehicle.
(x)	Office professional.	300
(xi)	Office, medical, dental.	Three (3) spaces per treatment room, plus one (1) for every doctor, dentist or employee.

(xii) Transient habitation.		
(A)	Hotel, motels, tourist homes or courts.	One (1) space for each room to be rented, plus one (1) space for each employee.
(B)	Sporting and recreational vehicle camps.	One (1) space for each travel vehicle or pad plus one (1) space per each employee.

(4) Industrial activities. (a) Manufacturing/industrial. Five (5) spaces, plus one for each employee on the shift of maximum employment.

(b) Warehousing, foods, or freight transport, and storage. One (1) space for each five thousand (5,000) square feet of gross floor area plus one (1) space for each ten thousand (10,000) square feet of open storage. A minimum of five (5) spaces shall be provided by any establishment.

(c) Automobile wrecking yards, scrap metal processing, junk yards. One (1) space for each one thousand (1,000) square feet of gross floor area.

(5) Other. For buildings and land uses not referred to in the preceded activity classifications and specifically listed in the corresponding use classification listings cited within § 14-303, the off-street parking requirements shall be determined by the board of zoning appeals. (1972 Code, § 11-501)

14-502. Certification of minimum parking requirements. Each application for a building permit shall include information as to the location and dimensions of off-street parking spaces and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the building inspector to determine whether or not the requirements of this section are met. (1972 Code, § 11-501.1)

14-503. Combination of required parking spaces. The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use, except that the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays. (1972 Code, § 11-501.2)

14-504. Remote parking spaces. If the off-street parking space required by this zoning ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within four hundred (400) feet of the main entrance to such principal use, provided such land is in the same ownership or lease as the principal use. Such land shall be used for no other purpose so long as no other adequate provision of parking space, meeting the requirements of this zoning ordinance, has been made for the principal use. (1972 Code, § 11-501.3)

14-505. Extension of parking area into a residential district. Required parking space may be extended one hundred (100) feet into a residential district, provided that:

(1) The parking area adjoins a commercial or industrial district.

(2) The parking spaces in this area have their only access to or front upon the same street as the property in the commercial or industrial districts for which it provides the required parking spaces.

(3) The parking area is separated from abutting properties in the residential districts by a twenty-five (25) foot buffer strip. (1972 Code, § 11-501.4)

14-506. Requirements for design of parking lots. (1) Except for parcels of land devoted to one- and two-family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.

(2) Each parking space shall be no less than one hundred sixty-two (162) square feet in area.

(3) Entrances and exits for all off-street in such comply with the requirements of § 14-409, of this title.

(4) The parking lot shall be designed in such a manner as to provide adequate drainage and to eliminate the possibility of stagnant pools of water.

(5) There shall be a parking aisle at least twenty-two (22) feet wide serving all ninety (90) degree and (60) degree angled parking spaces. For all thirty (30) and forty-five (45) degree angled parking spaces there shall be a minimum parking aisle of sixteen (16) feet in width.

(6) All off-street parking areas containing five (5) spaces or more shall be surfaced with asphalt, concrete, or other hard surfaced dustless material and so constructed to provide for adequate drainage for both on and off-site and to prevent the release of dust. A "tar and chip" or similar surface is not an acceptable surface. All parking spaces shall be clearly marked.

(7) No parking space(s) serving any residential development shall be located further than sixty (60) feet from the respective dwelling unit such space(s) serve.

(8) All parking lots be in compliance with American Disabilities Act. (1972 Code, § 11-501.5, as amended by Ord. #1206, Sept. 2008)

14-507. Off-street loading and unloading requirements. Every building or structure hereafter constructed and used for business or trade involving the receiving or distribution of vehicles, materials, or merchandise shall provide space for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public or private alley, or if there is no alley to a public street. The minimum required spaces for this provision shall be based on the total usable floor area of each principal building according to the following table:

Total Usable Floor Area or Principal Building	Spaces required (See Chapter 3, for definition)
0 to 9,999 square feet	One (1) space
10,000 to 14,999 square feet	Two (2) spaces
15,000 to 19,999 square feet	Three (3) spaces
Over 20,000 square feet	Four (4) spaces, plus one (1) space for each additional 20,000 square feet

Off-street Loading and Unloading Requirements for Industrial Uses:

5,000 to 40,000 square feet	One (1) space
Over 40,000 square feet to 100,000 square feet	Two (2) spaces
Each additional 1,000,000 square feet or major fraction thereof	One (1) space

The board of zoning appeals may reduce or increase this requirement in the interest of safety where unusual or special conditions are due consideration. (1972 Code, § 11-502)

14-508. Temporary use restrictions. The following regulations are necessary to govern the operation of certain necessary or seasonal uses nonpermanent in nature. Application for a temporary use permit shall be made to the building inspector. Said application shall contain a graphic description of the property to be utilized and a site plan, to determine yard requirements setbacks, sanitary facilities, and parking space for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits which follow and to the regulations of any district in which such use is located:

(1) Carnival or circus. May obtain a temporary use permit in the C-2, C-3, I-1, I-2, or F-1 districts; however, such permit shall be issued for a period

of not longer than fifteen (15) days. Such use shall only be permitted on lots where adequate off-street parking can be provided.

(2) Limited duration goods and seasonal merchandise. May obtain a thirty (30) day temporary use permit for the display and sale of limited duration goods and seasonal merchandise not sold throughout the year on open lots in any district.

(3) Temporary buildings. In any district, a temporary use permit may be issued for contractor's temporary office and equipment sheds incidental to construction project. Such permit shall not be valid for more than one (1) year but may be renewed for six (6) month extensions; however, not more than three (3) extensions for a particular use shall be granted. Such use shall be removed immediately upon expiration of the temporary use permit, whichever occurs sooner.

(4) Real estate sales office. In any district, a temporary use permit may be issued for a temporary real estate sales office in any new subdivision which has been approved by the planning commission under the Manchester subdivision regulations. Such office shall contain no living accommodations. The permit will be valid for one (1) year, but may be granted two (2) six (6) month extensions. Such office shall be removed upon completion of sales of the lots therein, or upon expiration of the temporary use permit, whichever occurs sooner.

(5) Religious tent meeting. In any district, except the IB, general industrial district, a temporary use permit may be issued for a tent or other temporary structures to house a religious meeting. Such permit shall be issued for not more than a thirty (30) day period. Such activity shall be permitted only on lots where adequate off-street parking can be provided.

(6) Temporary dwelling units in case of medical hardships. In any district, a temporary use permit may be issued to place a mobile home an a lot which already contains a residential structure, provided that the purpose of such temporary placement shall be to make it possible for a resident of either, structure to provide assistance to a person who requires daily assistance due to physical or mental disability, and provided further that such a temporary structure does not represent a hazard to the safety, health, or welfare of the community.

An applicant for a temporary use permit as provided under this subsection must produce a written statement from a physician certifying that the specific disability requires assistance from someone in close proximity as evidence of such disability, and a written statement from the Coffee County Health Department approving the sewage disposal system of the proposed temporary structure.

Such permit may be initially issued for eighteen (18) months. A permit may be renewed for six (6) months at a time, subject to producing a new statement from a physician certifying that the assistance is still required due to the disabling condition. The temporary permit shall be revoked and the

structure removed immediately upon expiration of the permit or upon a change in the conditions under which such permit was issued.

The person requiring assistance due to the disabling condition may be a resident of either the temporary or permanent structure. The temporary residence shall be treated as an accessory structure.

(7) Temporary dwelling unit in cases of other special services. In any residential district, a temporary use permit may be issued to place mobile home temporarily on a lot in which already contains a residential structure where the Manchester Board of Zoning Appeals finds that special circumstances or conditions fully described in the findings of the board, exist, such that the use of a temporary residential structure is necessary in order to prevent an exceptional hardship an the applicant, provided that such a temporary structure does not represent a hazard to the safety, health, or welfare of the community.

An applicant for a temporary use permit as provided under this subsection must produce a written statement from the Coffee County Health Department approving the sewage disposal system of the temporary structure. Such a permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total time for all permits not exceeding a total of eighteen (18) months. The temporary structure shall be treated as an accessary building.

(8) Temporary manufacture of road materials. In any district, except the residential districts, a temporary use permit may be issued upon approval by the Manchester Board of Zoning Appeals to operate manufacturing plants which are necessary in order to produce the materials required for the construction of approved public roads where the board finds that such a use is not potentially noxious, dangerous, or offensive. In the exercise of its approval, the board of zoning appeals may impose such conditions upon the proposed plants as it may deem advisable in the furtherance of the general purposes of this zoning ordinance.

Such a permit may be initially issued for a nine (9) month period. A permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total of twenty-four (24) months. (1972 Code, § 11-503)

14-509. Home occupations. A home occupation is a gainful occupation or profession conducted entirely within the principal dwelling unit by members of the household residing on the premises. Only one (1) person other than members of the household shall be employed. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, with no more than twenty-five (25) percent of the floor area of the dwelling unit being used to conduct the home occupation. This section classifies all home occupations as "minor home occupations" or "major home occupations," all other uses that are not considered under one of these classifications is prohibited under these regulations.

(1) Minor home occupations. A minor home occupation is a limited activity conducted on premises to differ from its residential character. Minor home occupations shall include offices for accountants, architects, artists, engineers and the like, and other uses that will not require an increased amount of traffic to and from the residence. Uses such as barber or beauty shops, auto repair or any similar use shall not be considered as minor home occupations. Due to the small scale of operation, minor home occupations are not required to obtain special exception permits from the board of zoning appeals.

(2) Major home occupations. Uses classified as major home occupations are those conducted within homes that may cause an increase in the amount of neighborhood traffic. This increase in traffic may be in the form of persons served by the home occupation or by deliveries or pick-ups from the premises. An increased area for parking will be allowed for uses that are classified as major home occupations. All major home occupations are required to have their use approved by the board of appeals prior to engaging in the activity. Major home occupations shall include barber and beauty shops, teaching of music and dance, small engine and appliance repair, upholstery shops, dressmakers, real estate offices, and other similar uses that in the opinion of the board of appeals would meet the criteria of a major home occupation. (1972 Code, § 11-504)

14-510. Gasoline service station restrictions. The following regulations shall apply to all gasoline service stations:

(1) There shall be a building setback from all street right-of-way lines of a distance of not less than forty (40) feet, except for canopies designed to cover the gasoline pump islands.

(2) Gasoline pumps shall not be located closer than fifteen (15) feet to any street right-of-way line.

(3) Sign requirements as established in chapter 5, § 14-516, shall be met. (1972 Code, § 11-505)

14-511. Swimming pool restrictions. The following regulations shall apply to all swimming pools.

(1) No swimming pool or part thereof, including aprons, walks, shall protrude into any required front yard in any residential districts.

(2) The swimming pool area shall be walled or fenced so as to prevent uncontrolled access by children and pets from the street or adjacent properties. Said fence or wall shall not be less than four (4) feet in height and maintained in good condition.

(3) Private swimming pools are permitted in residential, and commercial districts provided that the pool is intended, and is to be used solely for the enjoyment of the occupants and their guests of the property on which it is located. (1972 Code, § 11-506)

14-512. Development standards for multi-family dwellings. The provisions set forth herein are intended to provide design criteria for multi-family dwellings located on a single zone lot or tract that abuts a public street. Specifically, these provisions are intended to provide regulations controlling the spacing, internal orientation, etc., of multiple buildings located on a single site. It is the express purpose of these provisions to establish design criteria and to provide for the implementation of these provisions by planning commission review of the site plan required for all such developments by § 14-803(2)(b). (1972 Code, § 11-507)

14-513. Development standards. (1) General standards. It is the intent that multi-family dwellings where they are permitted:

(a) May be appropriately intermingled with other types of housing;

(b) Shall not contain more than twelve (12) dwelling units per floor on a single unbroken frontage; and

(c) Shall constitute groupings making efficient economical, comfortable, and convenient use of land and open space, and serving the public purposes of zoning by means alternative to conventional arrangements of yards and buildable areas.

(2) Detailed standards. (a) Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walks, and landscaping shall be provided for the protection and aesthetic enhancement of the development and privacy of the occupants, screening of objectionable views or uses and the reduction of noise. A minimum of thirty (30) feet shall be maintained between buildings.

(b) Street sidewalks and on-site walks shall be provided for convenient and safe access to all living units from streets, driveways, parking courts, or garages and for convenient circulation and access to all facilities.

(c) The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings, and grounds and to screen out objectionable features. The planting plan shall be submitted with the site development plan.

(d) Existing trees, shrubs, evergreens, and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.

(e) Adequate recreation facilities for the residents of the project shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units.

(f) Attractive outdoor sitting areas shall be provided, appropriate in size, type and number to the needs of the residents.

(g) Well equipped playgrounds of adequate size and number shall be provided, where it is anticipated that children will occupy the premises.

(h) All public and private streets located within any multi-family development shall meet the construction specifications set forth in the Manchester subdivision regulations.

(i) The planning commission shall act to insure that any private drives, parking areas or other vehicular ways used for common access for two (2) or more residents will be suitably paved and maintained as a condition of approval of the project.

(j) Any central refuse disposal area shall be maintained in such a manner as to meet local health requirements and shall be screened from public view. (1972 Code, § 11-507.1)

14-514. Access and parking requirements. (1) Access. (a) Each site developed for multi-family dwellings shall meet the requirements for access set forth in § 14-403 and 14-409, of this title.

(b) Access and circulation shall adequately provide for fire fighting, other emergency equipment, service deliveries, furniture moving vans and refuse collection.

(2) Parking. (a) Parking spaces shall be provided in accordance with § 14-501, of this chapter.

(b) Off-street parking may be grouped in bays, either adjacent to streets or in the interior of blocks. Such parking areas shall generally be located in close proximity to the dwelling units they are designed to serve. At least one (1) parking space per dwelling unit shall be located so as to provide a maximum walking distance of two hundred (200) feet from the nearest entrance of the dwelling unit the space is to serve. Where appropriate, common driveways, parking areas, walks and steps shall be maintained and lighted for night use. Screening of parking and service areas shall be encouraged through ample use of trees, shrubs, hedges and screening walls. (1972 Code, § 11-507.2)

14-515. Open space requirements. Any common open space established within a multi-family dwelling development shall be subject to the following:

(1) Quality use and improvement of common open space.

(a) Common open space must be for amenity or recreational purposes. The uses authorized for common open space must be appropriate to the scale and character of the development considering its size, density, expected population, topography and other factors.

(b) No common open space may be put to any use not specified on the approved final development plan, unless such amendment has been approved by the planning commission. However, no change

authorized may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce the covenants is expressly reserved.

(c) Common open space may consist of either improved or unimproved land. In this regard the approving agency may determine that all or part of stream areas, bodies of water and slopes in excess of fifteen (15) percent may be included in common open space. In making this determination, the approving agency shall be guided by the extent of these areas in relation to the development and the degree to which these areas contribute to the quality, livability, and amenity of the development.

(2) Maintenance of open space. In an instance where common open space is to be deeded to a maintenance organization, the developer shall file a declaration of covenants and restrictions that will govern the association. This document is to be submitted with the application for final approval of the planned development plan. The provisions shall be included but not limited to the following:

(a) The maintenance organization must be established and operational before any unit is sold.

(b) Membership must be mandatory for each unit and must run with the land so that any successive purchaser will automatically become a member.

(c) The restrictions covering the use, etc., of the open space must be permanent; not just for a period of years.

(d) The association(s) must be responsible for liability insurance, local taxes and the maintenance of all facilities and lands deeded to it.

(e) Home owners must pay their pro rata share of the cost assessed by the maintenance association; said assessment by the association can become a lien on the homeowner's property for failure to pay.

(f) The association must be able to adjust the assessment of fees to meet changing needs.

(3) Conveyance of common open space. All land shown on the final development plan as common open space must be conveyed under one of the following options:

(a) It may be conveyed to a public agency which will agree to maintain the common open space and any buildings, structures, or improvements which have been placed on it.

(b) It may be conveyed to trustees provided in an indenture establishing an association, funded trust, or similar organization.

The common open space must be conveyed to the trustees subject to covenants to be approved by the planning commission which restrict the common open space to the uses specified on the final development plan, and

which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purposes. (1972 Code, § 11-507.3)

14-516. Standards for signs, billboards, and other advertising structures. (1) Intent and objectives.

(a) Statement of purpose. The purpose of these regulations is to promote the well-being of the community by establishing standards that assure the provision of signs adequate to meet essential communication needs while safeguarding the rights of the people in the community to a safe, healthful and attractive environment. Within this overall framework, it is the intent of these regulations to:

(i) protect the right to the use of signs for the identification of activities and any related products, services and events and for noncommercial messages;

(ii) assure proper exposure of signs to their intended viewers;

(iii) protect the right of individuals to privacy and freedom from nuisances;

(iv) protect the value of property and improvements thereon;

(v) permit signs that are constructed and maintained in a safe condition;

(vi) assure that signs are constructed and maintained in a safe condition;

(vii) encourage design that enhances the readability and effectiveness of signs;

(viii) prevent signs from interfering with traffic regulatory devices or otherwise obstructing motorist or pedestrian vision;

(ix) reduce traffic hazards;

(x) eliminate obsolete signs;

(xi) provide an efficient and effective means of administration and enforcement.

(b) Scope. Except for signs that are prohibited in all districts in § 14-516(4)(d), herein, these regulations shall apply to all signs and their appurtenances that are visible from the outside of buildings, including interior window signs and all exterior signs, except those located within and visible only from within enclosed courtyards, malls, or similar enclosures.

These regulations shall not in any manner attempt to censure the written or depicted copy on any permitted sign. Any sign allowed under this zoning ordinance may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale, and

that complies with size, location, height, lighting, and spacing requirements of these regulations.

(2) Supplementary definitions. The following definitions are to be used for interpreting the provisions of this chapter only. Where words have not been defined, the standard dictionary definition shall prevail, unless defined in chapter 3, of this title.

(a) "Awning." Any nonrigid material such as fabric or flexible plastic that is supported by or stretched over a frame that is attached to an exterior wall.

(b) "Awning sign." A sign placed directly on the surface of an awning.

(c) "Banner." A sign that is mounted on or attached to a nonrigid surface such as cloth, fabric, or paper.

(d) "Billboard." See off-premise sign.

(e) "Bulletin board sign." A particular type of changeable copy sign that displays copy in a casement made of glass or plexiglass.

(f) "Canopy." An extension of the roof of a building or a freestanding structure that has a roof with support, but no walls.

(g) "Canopy Sign." A sign attached to a canopy.

(h) "Copy." The characters, letters, or illustrations displayed on a sign face.

(i) "Frontage, building." The length of a building that faces a street, parking area, or private drive.

(j) "Illegal sign." A sign that was constructed in violation of regulations that existed at the time it was built.

(k) "Marquee." A permanent structure other than a roof attached to, supported by, and projecting from a building and providing protection from natural elements.

(l) "Marquee sign." A sign attached to and made part of a marquee or any other similar projection from a building.

(m) "Nonconforming sign." A sign that met all legal requirements when constructed, but that is not in compliance with these regulations. An illegal sign is not a nonconforming sign.

(n) "Sign." Any writing (including letter, word or numeral), pictorial representation (including illustration or decoration); emblem (including device, symbol, or trademark); flag (including banner, streamer, or pennant); inflatable devices; or any other figure of similar character, which

(i) Is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure;

(ii) Is used to announce, direct attention to, or advertise; and

(iii) Is visible from outside a building.

(o) "Sign, abandoned." Any sign in which the functions of direction and/or identification of a bona fide business, lessor, owner, product or activity conducted or product available are obsolete.

(p) "Sign, accessory." Any sign that directs attention to a person, activity, or commodity on the same zone lot.

(q) "Sign, advertising." A sign which directs attention to a business, profession, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same zone lot, or directs attention to any brand name or trade name product that may be incidentally available on the same zone lot as the sign provided the establishment offering the product is not associated with the brand or trade name of the product being advertised.

(r) "Sign, animated." A sign that is animated, moving, rotating or appears to be animated, moving or rotating. Animated signs cannot contain pulsating lights or be offensive in nature.

(s) "Sign, attached." A type of sign that is mounted to a building and includes a wall sign and projecting sign as defined in this section.

(t) "Sign, banner." A sign having the copy applied to cloth, paper, or fabric of any kind with only such material for a backing. "Banner" shall include animated and/or fluttering devices designed to attract attention.

(u) "Sign, building mounted." Any sign attached to or supported by any building or other structure that has a purpose other than solely to support a sign, except a sign attached to any upright pole or support when the sign is wider than said pole or support, which shall be considered a freestanding sign.

(v) "Sign, changeable, copy." A sign designed so the copy can be changed while the display surface remains unchanged; includes such signs as manually or electronically changed readerboards and fuel price displays.

(w) "Sign, civic." A type of accessory sign that identifies or provides related information about community facility activity types.

(x) "Sign, development." A type of incidental sign that denotes the future facility, the architect, the engineer, the contractor, the lending agency and/or the developer on a construction site.

(y) "Sign, direct, illumination." All illuminated signs not included in the definition of "sign," luminous background" or "sign," "indirect illumination."

(z) "Sign, directional." Any sign which provides information relative to safely identifying vehicular entrances and exits to parking lots or traffic circulation areas for activities. Directional signs may include logo, symbols or a business name. Such signs shall be located on the private premises and only one shall be installed per driveway.

(aa) "Sign, directory." A sign which lists the names of individuals, businesses, or products available at a single site.

(bb) "Sign, electronic display board." An electronic display board sign is defined as any scrolling, blinking, or rotating message board that is designed to convey a message or advertisement by electronically generated lighting. Signs containing or consisting of electronic display boards shall not display messages that are offensive in nature.

(cc) "Sign, expressive." Any sign that express an opinion, feeling or point of view, such as political, ideological, religious, campaign, and good will signs. Depending on its size, and expressive sign may be an incidental, temporary, or permanent advertising sign.

(dd) "Sign, freestanding." Any sign that is not attached to or supported by any building or other structure that has a purpose other than solely to support the sign and any sign attached to any upright pole or supports when such sign is wider than said pole or support.

(ee) "Sign, ground." A freestanding sign with base affixed to the ground which measures at least two-thirds (2/3) the horizontal length of the sign. No pole supports shall be visible unless integrated into the solid sign base.

(ff) "Sign, handtacked." A temporary advertising sign commonly attached, tacked, hung, or suspended from any available structure, usually intended to announce an upcoming event such as a music performance, garage sale, or church bazaar.

(gg) "Sign, incidental." An accessory sign intended primarily for the convenience or direction of the public including: accessory residential signs smaller than three (3) square feet that indicate name, address or home occupation; signs that indicate the types of credit available at a business; signs with information that is warning in nature, such as "danger," "no trespassing" or "beware of dog"; signs indicating temporary events such as a garage sale or open house; political yard signs; and expressive signs smaller than three (3) square feet.

(hh) "Sign, indirect illumination." Is any illuminated sign which is either a sign illuminated entirely from an external artificial source or an illuminated sign which all attached or internal artificial sources of illumination are not directly visible or are shielded by an opaque material.

(ii) "Sign, inflatable." A temporary inflated sign, which may be stationary or mobile, that is used to attract attention, which may or may not bear a message.

(a) An inflatable stationary sign is anchored in such as fashion that does not allow it to move.

(b) An inflatable mobile sign is one which is tethered so that it moves and free floats.

(c) A fan powered, air-activated device is considered an "inflatable."

(jj) "Sign, large residential." A type of accessory sign larger than three (3) square feet that indicates the name and/or address of a residential activity type that contains four (4) or more dwelling or rooming units; and shall include a sign at the principal entrance to any subdivision or residential planned development that contains more than twelve (12) dwelling units.

(kk) "Sign, luminous background." A sign created by transilluminating or backlighting of a translucent plastic or glass panel, or panels of similar material, which may be integrally pigmented, painted, or opaqued.

(ll) "Sign, permanent." Any permitted sign which is not restricted as to the duration of time it can be displayed.

(mm) "Sign, pole." Any sign with pole supports of either one pole or multiple poles. The sign face may begin near the ground elevation or be elevated such that it is attached to the top of the pole supports. This sign differs from a ground sign as indicated in the definition of a ground sign.

(nn) "Sign, portable." Any sign which is movable, portable, or designed to be portable which is in the shape of an "A" frame, panel, or mounted on wheels or legs of any kind, whether or not permanently affixed to the ground or buildings.

(oo) "Sign, projecting." Any sign that:

(i) Is attached to a wall and projects outward from the wall more than twelve (12) inches, or

(ii) Is suspended from any structure that constitutes a covering or shelter such as a canopy, portico, or marquee. Usually, though not always, the face of a projecting sign will be perpendicular to or from a wide angle with the surface to which it is attached.

(pp) "Sign, realty." A type of sign that temporarily provides information regarding the sale, lease or rent of the premises or any improvements thereon.

(qq) "Sign, structure." A structure, including uprights, supports, frames, display surfaces, and other appurtenances, intended to support and display one or more signs.

(rr) "Sign, wall." A type of building mounted sign:

(i) That is attached to a wall (including parapet wall) or other structure that supports a roof, including any sign that is part of or attached to a canopy or awning and any sign attached to any side face of a marquee;

(ii) That does not project outward more than twelve (12) inches from the surface to which it is attached; and

(iii) In which the sign face is parallel to the plane of the surface to which it is attached.

(3) Exempt signs and temporary signs. (a) Exempt signs. The following are exempt from the provisions of this chapter or from the requirement to obtain a sign permit.

(i) "Address and name of resident." Signs indicating address and/or name of residential occupants of the premises, not exceeding three (3) square feet in area, and not including any commercial advertising or identification.

(ii) "Artwork." Works of art that do not include any commercial messages or references.

(iii) "Construction signs." Temporary signs warning of construction, excavation, or similar hazards so long as the hazard may exist.

(iv) "Decals." Decals affixed to windows or door glass panes, such as indicating membership in a business group or credit cards accepted at the establishments.

(v) "Directional signs." Signs giving on-site directional assistance for the convenience of the public, not exceeding four (4) square feet in area or located closer than five (5) feet to any property line. Directional signs may be internally lit or illuminated.

(vi) "Flags, emblems, insignia, and banners." Of any governmental agency or religious, charitable, public or nonprofit organization, subject to the following: No single flag that is flown shall exceed sixty (60) square feet in area and no single zoning lot shall fly more than three (3) such flags. If the total area of such flags exceeds seventy-two (72) square feet, the excess area shall be included in the sign area calculations for the zoning lot. Flagpoles shall not exceed twenty-five (25) feet in height. Wall-mounted flags, emblems, insignia, and banners shall be limited to two (2) per zoning lot and shall not exceed sixty (60) square feet in area.

(vii) "Handicapped parking space sign." Signs not exceeding two (2) square feet in area reserving parking spaces for handicapped motorists.

(viii) "Home occupation signs." On-premise identification signs for home occupations shall not exceed six (6) square feet in area and shall contain only the name of the business and/or business owner. Such signs shall be located on an exterior wall, window, or door of the premises.

(ix) "Portable 'A' frame signs." Signs movable, portable, or designed to be portable, which is in the shape of an "A" frame not permanently affixed to the ground or buildings. Signs must not negatively affect ADA compliance on public walkways and must be

removed daily. These signs are commonly called 'bread board' signs.

(x) "Public signs." Signs erected by governmental agencies or utilities including traffic, utility, safety, railroad crossing, and identification signs for public facilities, and any signs erected by the board of mayor and aldermen or under the direction of the board.

(xi) "Seasonal signs." Signs in the nature of decorations which are seasonal, clearly incidental and customarily associated with any national, local, or religious holiday.

(xii) "Security and warning signs." On-premise signs regulating the use of the premises, such as "no trespassing," "no hunting" and "no soliciting" signs, that do not exceed two (2) square feet in area in residential areas and five (5) square feet in commercial and industrial areas.

(xiii) "Temporary political signs." On premises temporary political signs may be located in any residential, commercial, or industrial district. In commercial and industrial districts, these signs cannot be installed more than sixty (60) days before and shall be removed within seven (7) days after the election or political event. The period between a primary and general election is exempt from this time limitation restriction. In commercial and industrial districts, the number of these signs shall not exceed two (2), nor shall any sign exceed six feet (6') in height, and the total area of all such signs shall not exceed sixteen (16) square feet.

(xiv) "Temporary real estate signs." Temporary signs indicating the availability of real property for lease or sale, located on the premises being leased or sold. The number of these signs shall not exceed one (1), nor shall any sign exceed six feet (6') in height, and the area of such sign shall not exceed thirty-two (32) square feet in commercial and industrial districts and sixteen (16) square feet in residential districts. Such signs shall be removed within three (3) days of the settlement or lease of the property and no flags or banners shall be attached to the signs.

(xv) Deleted.

(xvi) "Yard sale signs." Temporary signs indicating the location of and direction to a residential yard sale event. Refer to Table 2[1] for sign standards for yard sale signs in commercial and industrial districts and signs in residential districts.

(b) "Temporary signs requiring approval." The following signs may be erected only after approval from the enforcing officer. Any

[1]Table 2 is located at the end of this section.

temporary sign not removed by the expiration of the appropriate time limit noted in this section, the enforcing officer may remove it and charge the costs of removal to the individual or enterprise responsible.

(i) "Special event signs." Signs announcing special events including, but not limited to grand openings, new management, going out of business, and events sponsored by religious, charitable, or public service groups. Any business, individual, or organization may display two (2) temporary signs including portable signs, twice during the calendar year for a period not to exceed thirty (30) days. Such signs shall not be located in any public right-of-way or in any location that would impair visibility of the motoring public, and shall be removed immediately following the event. The total area of all such signs shall not exceed sixteen (16) square feet, nor shall any sign exceed six feet (6') in height.

(ii) "Temporary farm products signs." Temporary on-premise signs announcing the availability of seasonal farm products. The number of signs shall not exceed two (2) and the total area of all such signs shall not exceed sixteen (16) square feet, nor shall any sign exceed six (6) feet in height.

(iii) "Construction signs." Temporary signs announcing new buildings, or projects, erected after the commencement of building construction or site development. The number of these signs shall not exceed one (1), nor any sign exceed six feet (6') in height, and the area of such sign shall not exceed thirty-two (32) square feet. The sign shall be removed prior to erection of the permanent sign.

(iv) "Auction signs." Signs announcing and directing the public to the auction site shall be limited to a maximum of five (5) signs per event and cannot be installed more than fourteen (14) days before the event. The number of these signs shall not exceed one (1) per lot, nor shall any sign exceed six feet (6') in height, and the area of each sign shall not exceed sixteen (16) square feet. Such signs shall be removed within three (3) days following the event and no flags or banners shall be attached to the signs. No sign shall be placed in such a manner that would obstruct the vision of motorists or be a detriment to the functions of business.

(4) General provisions. (a) General standards.

(i) No sign except for those specified in § 14-516(3)(a) shall be erected until a permit has been obtained in accordance with the provisions of this ordinance.

(ii) No sign shall resemble or approximate the size, shape, form, or color of any official traffic control sign, signal, or device.

(iii) No sign shall be placed so as to obstruct or interfere with the visibility or effectiveness of any traffic control sign, or with driver vision at any access points.

(iv) On any corner lot no sign shall be erected or placed in a manner to impede or obstruct vision between a height of two and one-half (2 1/2) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of the intersection or as directed by the enforcing officer if more restrictive covenants are warranted.

(v) No sign other than duly authorized governmental signs shall be erected or maintained within any public street right-of-way.

(vi) No sign shall be painted on or attached to any trees, rocks, fence posts, utility poles, or similar structures or objects.

(vii) No sign shall obstruct any doorway, window, or fire escape.

(viii) The light from any illuminated sign shall be so directed, shaded, or shielded that the light intensity or brightness shall not adversely affect surrounding or facing premises nor affect in any way the safe vision of operators of moving vehicles. Light shall not be permitted to shine or reflect on or into any residential structure.

(ix) An electrician licensed with the State of Tennessee shall be required for installation of neon lighting on signage attached to a building or other structure. Permits shall be obtained through Duck River Electric Membership Corporation for the neon lighting installation and the electrical work shall be inspected by the State of Tennessee Electrical Inspector.

(b) Surface area display standards. (i) The supports or uprights and any covering thereon on which one or more signs is mounted shall not be included in the display surface area.

(ii) On signs in which the copy together with the background are designed as an integrated unit separate from the structure on which the sign is mounted, the display surface area shall be the total area within a perimeter that encloses the entire background.

(iii) On signs that do not have a distinct background separate from the structure on which the sign is mounted, the display surface area shall be the area within a continuous single perimeter composed of one or more rectangles, circles, and/or triangles that enclose the extreme limits of the copy considered to be the sign.

(iv) When two (2) sign faces of the same shape and dimensions are mounted back to back on the same sign structure and are either parallel or from an angle not exceeding thirty (30) degrees, only one of the sign faces shall be used to compute the display surface area. If the angle of the sign faces exceeds thirty (30) degrees, then both faces shall be used to compute the display surface area.

(v) In any district which permits advertising signs the computation of display surface area shall include both advertising and accessory signs.

(vi) On a corner lot, a permitted sign may be located along each street frontage.

(c) Height of signs. The following general rules shall apply in the determination of the height of signs.

(i) The height of any sign shall be measured to the topmost point of the sign or sign structure from the average grade level at the base of the supports or the base of any sign directly attached to the ground.

(ii) The height of signs placed on berms, mounds, or similar landscape features or on hills or mounds left after a lot is graded shall be measured from the finished or established grade around such features.

(d) Location of signs relative to electric lines. The location of signs requiring permits under the provisions of this chapter shall be approved by Duck River Electric Membership Corporation (DREMC) as part of the permit process.

The height of a sign, as defined in part 3 above, shall conform to the limitations established by DREMC based upon the horizontal distance measured from the centerline of any electric line to the closest point of the sign. DREMC criteria are outlined in Table 3.[1]

Existing signs that do not meet the limitations of this section will be addressed as outlined in section 11-508.8, provided that the sign is in compliance with the clearances set forth in the current National Electric Safety Code.

(e) Signs prohibited in all districts. The following signs or types of signs are prohibited in all districts and are hereby declared to be illegal.

(i) Any sign that is abandoned, deteriorated, unsafe, or not otherwise identified as defined in this zoning ordinance;

(ii) Any sign which is painted on or attached to a vehicle or a vehicular trailer unless such vehicle is in operable condition,

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[1]Table 3 is located at the end of this section.

carrying all current and valid licenses, and used primarily for the transportation of goods and/or persons in the everyday and ordinary course of business of the owner thereof;

(iii) Signs which are made structurally sound by guy wires or unsightly bracing

(iv) Signs which contain any kind of strobe or pulsating lights. This does not apply to electronic display board signs.

(v) Animated signs;

(vi) Any sign with direct illumination provided by exposed bulbs or lamps;

(vii) Off-premise signs, except as permitted in § 14-516(6)(b)(vi);

(viii) Flashing signs;

(ix) Handtacked signs, on utility poles, fence posts and trees;

(x) Roof signs.

(xi) Portable signs are signs which are movable, portable, or designed to be portable that are mounted on wheels or legs of any kind, whether or not permanently affixed to the ground or buildings, except for those signs advertising fireworks sales or special events. These signs are commonly called "message board" signs.

(f) Sign construction and maintenance standards. (i) Signs shall be constructed of materials that are designed for exterior use and that will minimize long-term maintenance on the sign.

(ii) Sign design should reflect an attractive, professional appearance with a content that applies to the goals and intent of the business and is not offensive in nature.

(iii) Signs should generally be designed and fabricated by a professional sign company to ensure a high-level of quality of the constructed sign.

(iv) For signs to be designed and/or fabricated by an individual or organization not associated with a professional sign company, the sign design and details, including construction materials, shall be approved by the planning commission or its appointed representative prior to issuing a sign permit.

(v) Signs shall be maintained by the property owner in a condition that reflects the original sign design or modifications as approved by the planning commission or its appointed representative. Deteriorated or damaged elements of the sign shall be repaired or replaced.

(5) Signs permitted in residential districts. Within the residential districts, the following signs are permitted subject to the provisions as set forth herein.

(a) Community facility activities. (i) A community facility activity may have signs as listed in Table 1.[1]

(ii) Civic signs may be illuminated by indirect means or with luminous background, provided that the light source does not illuminate surrounding properties.

(b) Residential complex signs. (i) A residential complex sign may be located at the major entrance to a development. Permitted signs are listed in Table 1.[1]

(ii) A residential complex sign may be illuminated by indirect means or with luminous background, provided the light source does not illuminate surrounding properties.

(c) Residential subdivision signs. (i) Subdivision identification signs may be permitted at the main entrances to a subdivision. Permitted signs are listed in Table 1.[1]

(ii) Each subdivision is allowed a maximum of two (2) identification signs located at main entrances. These signs are to be located on private property or in a median if one is present.

(iii) All subdivision identification signs shall be integrally designed as a part of a permanently constructed and maintained wall, fence, or similar feature or shall be a ground sign. All such areas shall be attractively landscaped.

(iv) All subdivision identification signs and the attendant landscaped area shall be owned and maintained either by the owner/developer or by a legally established homeowners association.

(v) Any lighting on such signs shall be integrated into the entrance feature and shall be subdued and shall light only such sign. No light shall shine or reflect on or into any residential structure.

(6) Permitted signs in commercial and industrial districts. Within the commercial and industrial districts, the following signs are permitted subject to the provisions as set forth herein.

(a) Central business district signs. Within the C-1 district, the following standards for signs shall apply:

(i) Permitted signs are listed in Table 1.[2]

(ii) A projecting sign shall not project into the public right-of-way more than six (6) feet provided that in no case shall such sign be closer than two (2) feet from the curb or edge of

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[1]Table 1 is located at the end of this section.

[2]Table 1 is located at the end of this section.

pavement of the travelway, (C-1 Districts, only). Such sign shall clear the established grade by a minimum of ten (10) feet.

(iii) Signs may be illuminated subject to the following standards:

(A) Exposed bulbs or luminous tubes are prohibited, with the exception of neon.

(B) In no event shall the light from any illuminated sign exceed one (1) foot candle at the property line of any lot that is zoned residential or agricultural.

(C) The light from any illuminated sign shall be shaded, shielded, or directed so that the light intensity or brightness shall not adversely affect the surrounding or facing premises nor adversely affect safe vision of operators of vehicles moving on public or private streets or parking areas. Light shall not shine or reflect on or into any residential structure.

(b) Commercial and industrial district signs. Within the C-2, C-3, C-4, C-5, I-1 and I-2 districts, the following standards for signs shall apply:

(i) Permitted signs are listed in Table 1.[1]

(ii) This section shall be applicable only to movie houses or theaters. The following additional provisions shall apply:

(A) In lieu of a wall sign or in combination therewith, a marquee structure may be permitted which may have signage thereon. Such marquee may project over a private sidewalk or driveway but not over a public right-of-way. Such marquee structure shall be permanently attached to the principal building.

(iii) Signs may be illuminated subject to the standards as specified above in § 14-516(6)(a)(iii).

(iv) Off-site advertising signs may be permitted within any commercial or industrial district, excluding the C-1 Central business district, subject to the following standards:

(A) All off-site advertising signs shall be free-standing and mounted upon a single support pole, and shall not be double stacked or constructed side by side.

(B) The maximum display surface area shall be six hundred seventy-five (675) square feet.

(C) The minimum setback shall be a minimum of twelve feet (12') from all property lines. This distance is measured from the leading edge of the sign.

(D) The maximum height shall be fifty feet (50') above the elevation of the pavement nearest the sign.

(E) The minimum distance between off-site advertising signs located along the same side of a public street shall be two thousand feet (2,000'). This spacing requirement shall be applied continuously along the side of a street to all signs oriented toward that street in either direction whether the signs are in the same block or are in different blocks separated by an intersecting street.

(F) The minimum distance between off-site advertising signs shall be one thousand feet (1,000') measured along the road right-of-way.

(G) The minimum distance from any residential district shall be one hundred fifty feet (150'). This distance is measured from the leading edge of the sign.

(H) The minimum distance from any permanent on-site freestanding sign shall be one hundred fifty feet (150').

(I) No new sign shall be erected by a sign company until it has removed an equal number of nonconforming advertising signs which it operates.

(J) The minimum height from the ground to the bottom of the sign face shall be ten feet (10').

(K) No sign shall exceed sign height limitations set forth in Table 3 based on distance to electric lines.

(7) Temporary sign provisions. Temporary signs shall be permitted for any lawful activity on a lot or parcel subject to the provisions set forth herein.

(a) Temporary sign permit requirements are summarized in Table 2. The fee for a temporary sign permit is twenty-five dollars ($25.00) and must be paid in full prior to the issuance of the permit. Any temporary sign without a valid permit or found in violation of this ordinance may be removed from the property by the health and codes administrator or his designee with the costs of said removal to be assessed against the owner of the real estate in the same manner as property taxes.

(b) Display surface area, height, and illumination.

(i) Temporary signs shall not be illuminated except in commercial or industrial districts.

(ii) No sign shall flash or pulsate in any way.

(iii) Any sign that is lighted shall be done in compliance with the National Electrical Code.

(c) Location of temporary signs. (i) All temporary signs shall be setback a minimum distance as summarized in Table 2, unless an alternate location is approved by the building inspector in special cases. No temporary graphic shall overhang or encroach on any street right-of-way at any time.

(ii) The minimum distance between any two (2) such signs on the same lot shall be one hundred fifty (150) feet.

(iii) No temporary signs shall be closer than fifty (50) feet from any permanent sign.

(8) Nonconforming and noncomplying sign provisions. Any sign lawfully existing at the time of the enactment of this zoning ordinance but which is not permitted either by type of sign, location, or district or which fails to meet the standards on regulations shall be classified as either nonconforming or noncomplying as per definitions.

(a) Removal of temporary nonconforming signs. Nonconforming portable and handtacked signs and signs in a public right-of-way shall be removed within forty-five (45) days. Nonconforming flashing or animated signs shall be caused to stop flashing or animation within forty-five (45) days.

(b) Alterations to nonconforming and noncomplying signs. A nonconforming or noncomplying sign may be altered subject to the following conditions.

(i) The proposed alteration is not greater than fifty (50) percent of the total sign structure or alteration costs are not greater than fifty (50) percent of its depreciated value.

(ii) The total copy of an advertising sign may be changed in accordance with normal business practices.

(iii) The proposed alteration conforms to the provisions of this zoning ordinance.

(iv) No new nonconformance or noncompliance is created. A nonconforming or noncomplying sign may not be altered by a new business that has taken possession of an existing facility with a non-active business. A sign permit will be required for the new business and a conforming sign installed in accordance with these provisions. This does not apply to change of ownership of an active business.

(c) Damage or destruction of nonconforming and noncomplying signs. When any such sign is damaged or destroyed from any cause to the extent of fifty (50) percent of the sign structure or to the extent of fifty (50) percent of its depreciated value at the time of its damage or destruction, the sign shall be removed or otherwise made to conform or comply with all appropriate provisions of this zoning ordinance.

(9) Partial invalidity. If any provision of this chapter or its application to any person or circumstances shall to any extent held to be invalid or unenforceable by any court, the remainder of this chapter, or the application of that provision to persons or circumstances other than those as to which it is invalid or unenforceable, shall not be affected, and each provision of this chapter shall be valid and enforceable to the fullest extent permitted by law.

TABLE 1
PERMANENT, ON-SITE SIGNS

ZONING CLASSIFICATION	TYPE	MAXIMUM NUMBER	MAXIMUM HEIGHT (++)	MINIMUM SETBACK	MAXIMUM TOTAL SURFACE DISPLAY AREA
Residential/ individual lot	Attached (wall or projecting)	1	Ground floor	***N/A***	6 sf
Residential complex or subdivision entrance	Ground	2	8 ft	8 ft	100 sf(***)
Residential/ commercial facility	Wall	***N/A***	Ground floor	***N/A***	100 sf
	Ground	1	6 ft	8 ft	
Central business district/C-1	Attached (wall or projecting)	***N/A***	***N/A***	oft (C-1, 6' into ROW)	2 sf per linear foot of lot frontage but not less than 250 sf
	Ground(+)	1 (*)	6 ft	8 ft	
	Pole	1 (*)	35 ft	8 ft	
Commercial and industrial districts/C-2,C-3, C-4,C-5, I-1, I-2	Wall	***N/A***	Ground floor	***N/A***	2 sf per linear foot of lot frontage but not less than 250 sf
	Ground(+)	1 (*) (+++)	6 ft	8 ft	
	Pole	1 (*) (+++)	35 ft(**)	8 ft	

(+) Retail petroleum product businesses may substitute the permitted ground sign with a pole sign that identifies pricing for a maximum of three products. This sign is limited to 50 sf surface display area.

(++) Refer to Table 3 for sign height limitations based on distance to electric lines.

(+++) One additional ground or pole sign may be permitted by special exception in all commercial districts, except the C-1 district, for a permanent off-site sign to be placed on the separate developed lot as a permanent on-site sign. The off-site sign must maintain a spacing of seventy five (75) feet from any permanent on-site freestanding sign on the separate, developed lot. The total signage surface display area from Table 1 shall not be exceeded for the separate, developed lot considering both the permanent on-site signs and the off-site sign being placed on this lot.

(*) One pole and sign per street frontage is permitted on lots fronting more than one street.

(**) The maximum pole height shall be 125 ft of highway commercial or industrial uses located at the interchanges of 1-24 with U.S. 41, State Hwy 55 and State Hwy 53.

(***) Only sign face is measured for surface display area (does not include brick/stone facade, fencing, etc.).

TABLE 2
TEMPORARY, ON-SITE SIGNS

Type	Number of Signs Permitted	Maximum Total Surface Display Area	Minimum Setback	Height (+)	Max Time Allowed	Permit Required	Zones Allowed	Notes
Political Signs (*)	2	16 sf	5 ft	6 ft	60 days	No	All	Shall be removed within 7 days of election
Real Estate (**)	1	See Footnote	5 ft	6 ft	N/A	No	All	Shall be removed within 3 days of the settlement or lease of the property
Auction signs	1	16 sf	5 ft	6 ft	14 days	No	All	Shall be removed within 3 days of the event
Special Event Signs (*)	2	16 sf	5 ft	6 ft	2 times per year for 30 days	Yes	All	Shall be removed immediately following the event
Portable Signs	1	32 sf	8 ft	6 ft	30 days	Yes	All except residential	
Banners (*)	2	32 sf	8 ft	10 ft (+)	3 times per year for 30 days	No	All	
Inflatables	1	N/A	8 ft	25 ft (+)	3 times per year for 30 days	No	All except residential	
Construction Signs	1	32 sf	8 ft	6 ft	N/A	No	All	Shall be removed prior to erection of permanent sign
Yard Sale Signs (*)	1	9 sf	5 ft	6 ft	7 days	No	All	Shall be removed within 3 days of the event
Temporary Farm Products Signs (*)	2	16 sf	5 ft	6 ft	N/A	No	All	Shall be removed immediately following the event
Signs in Residential Districts	3	32 sf	5 ft	6 ft	2 times per year for 30 days	No		
(+) Refer to Table 3 for sign height limitations based on distance to electric lines.								
(*) Section only applies to signs in commercial and industrial districts.								
(**) Maximum total surface display area is 32 sf in commercial and industrial districts and 16 sf in residential districts.								

TABLE 3
SIGN HEIGHT LIMITATIONS BASED
ON DISTANCE TO ELECTRIC LINES

Overhead High Voltage Lines		
Horizontal Distance From Centerline	Max Height	Other Restrictions
10' or less	4'	No signs allowed within 15' of pole
10' to 13'	10'	No boom trucks used in installation
15' to 20'	17	
Over 20'	No restriction	
Overhead Secondary Voltage Lines and Underground Lines		
Horizontal Distance From Centerline	Max Height	Other Restrictions
8' or less	4'	No signs allowed withing 15' of pole
Over 8'	No restriction	

(1972 Code, §§ 11-508 -- 11-508.8, as amended by Ord. #766, July 1996, Ord. #1081, Oct. 2004, Ord. #1290, Jan. 2011, Ord. #1294, May 2011, Ord. #1606, Dec. 2020 ***Ch21_07-05-22***, and Ord. #1609, March 2021 ***Ch21_07-05-22***)

14-517. Development standards for mobile home parks. The following regulations are intended to supplement the state health regulations established by the Tennessee Trailer Court Act, of 1957, Tennessee Code Annotated, §§ 68-24-101 through 68-24-120, by ensuring a minimum standard of site development for mobile home parks where permitted as a special exception in a zoning district.

(1) Mobile home park building permit. (a) The application for a "mobile home park permit" shall be filed with the building inspector after the applicant has secured all water and sewer permits required for the project. However, construction or extension of a mobile home park may not commence within the area of jurisdiction of this zoning ordinance until a mobile home park building permit has been issued by the building inspector. The mobile home park building permit may be issued only upon approval of the special exception by the Manchester Board of Zoning

Appeals. The board shall act upon an application for a permit after receipt of a report from the Manchester Regional Planning Commission. The board may attach whatever conditions it sees fit to the permit in order to protect the neighborhood or adjoining properties.

(b) Site plan required. A mobile home park building permit may only be issued for construction or extension of a mobile home park upon submission and approval by both the planning commission and the board of appeals of a site development plan containing the following information:

(i) The name and address of the applicant.

(ii) The location, area, and dimensions of the proposed mobile home park site as well as a legal description.

(iii) The location, size, and number of all mobile home spaces.

(iv) The location and size of all buildings, improvements, and facilities (including roads, water, sewer, refuse disposal).

(v) The proposed use of buildings shown on the site plan.

(vi) The location and size of all points of entry and exit for motor vehicles and the internal circulation plan (roadways and pedestrian walkways).

(vii) The location and number of all off-street parking facilities.

(viii) The location of park and recreation areas.

(ix) A complete drainage plan with contour lines at five (5) foot intervals.

(x) A location map showing the park site in relation to the existing public street pattern and indication of uses of property adjacent to the site and the location of all buildings within two hundred (200) feet of the site.

(xi) A time schedule for development shall be prepared which shall demonstrate the applicant's readiness and ability to provide the proposed services. Said time shall be for a period of not more than one (1) year.

(xii) Such other architectural, engineering, and topographical data as may be required to permit the county health department, the building inspector, the planning commission, and the board of zoning appeals to determine if the provision of these regulations are being complied with shall be submitted with the site plan.

(c) Inspection fee. An inspection fee shall be required for approval of a mobile home park which shall be made upon submission of a plan for approval. After completion of construction, a final inspection shall be made at no additional charge.

(i) The inspection fee shall be ten dollars ($10.00) per year plus two dollars ($2.00) per space. The fee is nonrefundable.

(ii) The inspection fee shall be paid annually upon inspection of the mobile home park by the building inspector.

(2) Development standards. (a) General.

(i) A mobile home park shall be located only as a special exception within those districts where permitted.

(ii) No part of the park shall be used for nonresidential purposes, except such uses as are required for the direct servicing and well being of park residents and for the management and maintenance of the park. Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on a mobile home stand and connected to the pertinent utilities.

(iii) Condition of soil, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, dust, noise, odors or other adverse influences, and no portion subject to flooding or erosion and shall he used for any purpose which would expose persons of property to hazards.

(b) Minimum development size. No mobile home park shall be approved which contains less than five (5) acres in area or has less than fifteen (15) mobile home spaces.

(c) Dimensional requirements for parks. (i) Along the entire periphery of the mobile home park, yards and setbacks meeting the district regulations shall be provided.

(ii) Within the interior portions of the mobile home park, no yards except as required to meet other provisions set forth in this section are required.

(iii) No building structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or thirty (30) feet.

(iv) Each mobile home park shall be permitted to display, on each street frontage, one (1) identifying sign of a maximum size of twenty (20) square feet. Said sign(s) shall contain thereon only the name and address of the park and may be lighted by indirect lighting only.

(d) Spacing of mobile homes and site coverage. (i) Mobile homes shall be so harbored on each space that there shall be at least a twenty-five (25) foot clearance between mobile homes; for mobile homes parked end-to-end, the end-to-end clearance may be less than twenty-five (25) feet, but not less than fifteen (15) feet. No mobile home shall be located closer than twenty (20) feet from any building within the park.

(ii) There shall be a minimum distance of ten (10) feet between the nearest edge of any mobile home and an abutting access street.

(iii) Each mobile home stand shall not occupy an area in excess of twenty-five (25) percent of the respective lot area. The total area occupied by the mobile home and its accessory structures shall not exceed fifty (50) percent of the respective lot area.

(e) The mobile home lot. (i) General. The limits of each mobile home lot shall be marked on the ground by suitable means. Location of lot limits on the ground shall be the same as shown on accepted plans. No lot shall be smaller than five thousand (5,000) square feet.

(ii) Mobile home stands. The mobile home stands shall be improved to provide adequate support for the placement and tie-down of the mobile home. The stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure. In addition, such stand shall comply with the publication of FHA "Minimum Property Standards for Mobile Home Parks," May, 1977.

(iii) Outdoor living area. Each mobile home lot should be provided with an outdoor living and service area. Such area should be improved as necessary to assure reasonable privacy and comfort. The minimum area should be not less than two hundred (200) square feet and shall be paved.

(iv) Tenant storage shall be provided for each mobile home at the rear of the mobile home space.

(f) Utilities and other services. (i) An accessible, adequate, safe and potable supply of water shall be provided in each mobile home development on trunk lines not less than six (6) inches. Where a public supply of water of satisfactory quantity, quality, and pressure is available at the site or at the boundary of the site, connection shall be made thereto and its supply use exclusively.

(ii) Each mobile home site shall be provided with the connection to the sanitary sewer line or to a sewer system approved by the Coffee County Health Department and the board of zoning appeals.

(iii) Solid waste collection stands shall be provided for waste containers for each mobile home. Any central waste container shall be screened from view with access appropriately provided.

(iv) Service buildings, housing sanitation and laundry facilities, shall be permanent structures complying with all

applicable ordinances and statutes, regulations, buildings, electrical installations, and plumbing and sanitation systems.

(v) Each mobile home park shall be equipped with fire hydrants spaced no more than five hundred (500) feet apart. The water system shall be capable of providing a required fire flow of five hundred (500) gallons per minute for a one (1) hour duration.

(vi) Each mobile home park shall be maintained free of litter and accumulation of any kind of debris which may provide rodent harborage or breeding places for flies, mosquitos, or other pests.

(g) Streets. Entrances to mobile home parks shall have direct connections to a public street and shall be designed to allow free movement of traffic on the adjacent public street. Safe and convenient vehicular access shall be provided from abutting public streets to each mobile home lot. Such access shall be provided by streets or driveways. All internal streets shall be private.

(i) Circulation. The internal street systems should provide convenient circulation by means of minor streets and properly located collector streets. Dead-end streets shall be limited in length to five hundred (500) feet and their closed end shall be provided with an adequate turn-around with a minimum diameter of eighty (80) feet.

(ii) Pavement widths. Pavement widths shall be as follows:

Collector street with no parking	20 feet
with on-street parking	36 feet
Minor street with no parking	18 feet
with on-street parking	34 feet
One-way minor street with no parking	12 feet
with on-street parking	28 feet

(iii) Construction. The internal streets and drives shall be paved in accordance with city road standards.

(h) Walks. All mobile home developments shall be provided with safe, convenient, all-season pedestrian access of adequate width for intended use, durable and convenient to maintain. Sudden changes in alignment and gradient shall be avoided.

A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of three and one-half (3 1/2) feet.

All mobile home stands shall be connected to common walks, streets, driveways and parking spaces by individual walks. Such individual walks shall have a minimum width of two (2) feet.

(i) Recreation area. Adequate recreation facilities for the residents of the project shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units. Attractive outdoor sitting areas shall be provided, appropriate in size, type and number to the needs of the residents.

Well-equipped playgrounds of adequate size and number shall be provided where it is anticipated that children will occupy the premises.

(j) Buffer and screening. A landscape buffer shall be provided along the perimeter of the site boundaries not less than fifteen (15) feet in width, except that a minimum buffer area from any public street shall be no less than twenty (20) feet.

Within the landscaped buffer, a continuous fence six to eight (8) feet high or landscaped screen shall be provided. Such fence shall be opaque and such screening shall be a year-round evergreen four (4) feet wide and at least four (4) feet high at the time of planting and expected to achieve a height of six (6) feet within three (3) years. No landscaped screen or fence shall he provided within fifteen (15) feet of any vehicular entrance and/or exit to the park.

(k) Site design. The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features. The planting plan shall be submitted with the site development plan.

Existing trees, shrubs, evergreens and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.

(l) Parking. Parking shall be provided in accordance with § 14-501.

(i) Off-street parking. Paved off-street parking may be grouped in bays either adjacent to streets or in the interior of blocks or on the mobile home lot. Such parking areas shall generally be located in close proximity to the dwelling units they are designed to serve. At least one (1) parking space per dwelling unit shall be located so as to provide a maximum walking distance of fifty (50) feet from the nearest entrance of the dwelling unit the space is to serve.

(3) Responsibility of park management. (a) The permittee shall operate the mobile home park in compliance with this zoning ordinance

and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.

(b) The permittee shall notify park occupants of all applicable provisions of this zoning ordinance and inform them of their duties and responsibilities under this zoning ordinance.

(c) The permittee shall supervise the placement of each mobile home on its mobile home stand to the satisfaction of the building inspector which includes securing its stability to anchor pins and installing all utility connections.

(d) The permittee shall maintain a register containing the following information:

(i) The name and address of each mobile home occupant.

(ii) The name and address of the owner of each mobile home and motor vehicle by which it was towed.

(iii) The make, model, year, and license number of each mobile home and motor vehicle.

(iv) The date of arrival and of departure of each mobile home.

(e) The mobile home park shall keep the register record available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register.

(f) The register record shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the park.

(g) The permittee shall notify the health authority immediately of any suspected communicable or contagious disease within the park.

(h) The permit to operate shall be conspicuously posted in the mobile home park office at all times.

(i) The permittee shall be answerable for the violation of any provision of this section.

(4) Responsibilities of park occupants. (a) The park occupants shall comply with all applicable requirements of this zoning ordinance and shall maintain his/her mobile home lot, its facilities and equipment in good repair and in a clean and sanitary condition.

(b) The park occupant shall be responsible for proper placement of the mobile home on its mobile home stand and proper installation of all utility connections and anchoring in accordance with the instruction of the park management.

(c) Skirtings, awnings, and other additions shall be installed only if permitted and approved by the park management. When installed, they shall be maintained in good repair. The space immediately underneath each mobile home shall be used for storage only if permitted by the park management. If permitted, the following conditions shall be satisfied:

(i) The storage area shall be provided with a base of impervious material.

(ii) Stored items shall be located so as not to interfere with the underneath inspection of the mobile home.

(iii) The storage area shall be enclosed by skirting.

(d) The park occupant shall store and dispose of all rubbish and garbage in a clean, sanitary and safe manner. The garbage container shall be rodent proof, insect proof, and watertight.

(e) Fire extinguishers for Class B and C fires shall be kept at the premises and maintained in working condition.

(f) All park occupants shall be required to register their pets (dogs and cats) with the park management.

(g) All park occupants shall be required to have their pets (dogs and cats) on a leash and shall not be allowed to roam free and unleashed.

(h) Park occupants shall not be allowed to construct or place pens for animals on the park premises.

(i) No inoperative automobiles, junk, or noncontained trash shall be allowed within the park.

(5) Inspections. (a) The building inspector is hereby authorized and directed to make annual inspections to determine the conditions of mobile home parks, in order to insure the health and safety of occupants of mobile home parks and of the general public.

(b) The building inspector shall have the power to enter upon any private and public property for the purpose of inspecting and investigating conditions relating to the annual inspection as it is related to the enforcement of this section.

(c) Penalties. (i) Any person violating any provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than five dollars ($5.00) nor more than fifty dollars ($50.00) for each offense.

(ii) Each day that a violation is permitted to exist shall constitute a separate offense.

(iii) Any extension of an existing mobile home park is considered a noncomplying use and is hereby prohibited unless said park is brought up to the standards herein stated.

(6) Revocation of permit. The board may revoke any permit to maintain and operate a park when the permittee has been found guilty by a

court of competent jurisdiction of violating any provisions of this section. After such conviction, the permit may be reissued if the circumstances leading to conviction have been remedied and the park is being operated and maintained in full compliance with this section.

(7) Prohibited structures. (a) Cabanas, travel trailers, and other similarly enclosed structures are prohibited.

(b) Trailers with or without toilet facilities that cannot be connected to approved sewer systems shall not be permitted in a mobile home park.

(c) Mobile homes shall not be used for commercial, industrial or other nonresidential uses within a mobile home park, except that one (1) mobile home in the park may be used to house a rental office. (1972 Code, § 11-509)

14-518. Repealed. (1972 Code, § 11-510, as repealed by Ord. #1640, Feb. 2022 ***Ch21_07-05-22***)

14-519. Development standards for automobile wrecking, junk and salvage yards. A site development plan specified in § 14-803, shall be submitted for review on all proposals subject to this provision. The approval of said plan along with any accompanying conditions associated with a particular development is precedent to any approval under this section. The planning commission is the agency responsible for this review.

Because of the nature and character of their operations, automobile wrecking and salvage yards, junk yards, and similar uses of land can have a decidedly detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic and health hazards, and may adversely affect property value by their general appearance. The following standards shall be used as a guide in evaluating whether proposed land uses, such as those outlined above, will have properly minimized their objectionable characteristics:

(1) All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed and so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.

(2) Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than one thousand (1,000) feet from any established residential zone.

(3) All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence, screen, or wall, excepting driveway areas, between eight (8) and twelve (12) feet in height. Storage between the road and street and such fence, screen, or wall for concealment shall be maintained in good condition.

(4) All such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to public health or safety.

(5) Off-street parking. As regulated in § 14-501.

(6) Ingress and egress. The number of vehicular access driveways permitted on any single street frontage shall be limited to:

(a) One (1) driveway where the parcel to be used has a maximum road or street frontage of one hundred (100) feet or less.

(b) Two (2) driveways where the road or street frontage exceeds one hundred (100) feet. Driveways used for ingress and egress shall be limited to twenty-five (25) feet in width maximum, exclusive of curb returns.

(7) No automobile wrecking, junk, or salvage yard shall be permitted within three hundred (300) feet of any public road in Manchester, except where a more stringent state or federal law applies. (1972 Code, § 11-511)

14-520. Development standards for cemeteries. (1) The following standards shall be imposed upon the development and construction of cemeteries in Coffee County:

(a) The site proposed for a cemetery shall not interfere with the development of a system of collector and larger streets in the vicinity of such site. In addition, such site shall have direct access to a thoroughfare.

(b) Any new cemetery shall be located on a site containing not less than twenty (20) acres.

(c) All structures, including but not limited to mausoleums, permanent monuments, or maintenance buildings shall be setback not less than twenty-five (25) feet from any property line or street right-of-way.

(d) All graves or burial lots shall be setback not less than twenty-five (25) feet from any property line or street right-of-way line.

(e) All required yards shall be landscaped and maintained in good order in accordance with state and local regulations. (1972 Code, § 11-512)

14-521. Minimum design standards for transmission and communication towers and stations. All transmitter stations, including towers and operating equipment, shall adhere to the following standards:

(1) All towers with a height of one hundred fifty (150) feet (from base to top) or more shall be constructed in accordance with Electronic Industries Association ("EIA") standard 222E-1991 utilizing a wind rating of eighty (80) miles per hour ice loading for Manchester, Tennessee. Each application for a building permit shall be accompanied by a certification by a professional engineer licensed in the State of Tennessee and competent in such design.

(2) A site plan in compliance with § 14-803(2)(b) shall be approved by the planning commission prior to the issuance of a building permit.

(3) All towers shall be set back from all property lines or leasehold lines by a distance that is equal to (1) for a guyed tower, twenty (20) percent of its height, and (2) for a self supporting tower, fifty (50) percent of its height.

(4) All applications for permits to build towers in Manchester must be accompanied with a "Determination of No Hazard" from the Federal Aviation Administration, as well as all required Federal Communications Commission permit information.

(5) The entire tract containing the tower and equipment shall be enclosed with a fence no shorter than six (6) feet in height. Access gates will be locked at all times when the site is not occupied.

(6) Where the tower site abuts or is contiguous to any residential district, there shall be provided a continuous, solid screening and it shall be of such plant material as will provide a year-round evergreen screening. Screening, as required herein, shall not be less than four (4) feet in height at the time of planting, and shall be permanently maintained.

(7) All towers that require marking or lighting shall be done in compliance with Federal Aviation Agency regulations, but no tower shall be lighted from dusk to dawn by any form of white flashing light unless required by the Federal Aviation Administration. (Ord. #794, Aug. 1997)

14-522. Limitations on pain management clinics. (1) Definitions.

(a) "Chronic nonmalignant pain" - is pain unrelated to cancer which persists beyond the usual course of the disease or the injury that is the cause of the pain for a period of more than ninety (90) days after the surgery.

(b) "Pain management clinic" - means any privately owned clinic, facility or office which advertises in any medium concerning the availability of any type of pain-management services or employs a physician or osteopathic physician or nurse who is primarily engaged in the treatment of pain by prescribing or dispensing substances controlled by federal and/or state law, but the term shall not include:

(i) A clinic where the majority of the physicians who provide services in the clinic primarily provide surgical services;

(ii) A clinic that is owned by a publicly held corporation whose shares are traded on a national exchange or on the over-the-counter market and whose total assets at the end of the corporation's most recent fiscal quarter exceed fifty million dollars ($50,000,000);

(iii) A clinic that is affiliated with an accredited medical school at which training is provided for medical students, residents or fellows;

(iv) A clinic that does not prescribe or dispense substances controlled by federal and/or state law for the treatment of pain or

(v) A clinic that is owned by a corporate entity exempt from taxation under 26 U.S.C. §501(c)(3).

For the purpose of this definition, a physician, including an osteopathic physician, is considered to be primarily engaged in the treatment of pain by prescribing or dispensing substances controlled by federal and/or state law when the majority of the patients seen by such physician are prescribed or dispensed a substance controlled by federal or state law for the treatment or purported treatment of chronic nonmalignant pain.

(2) Pain clinic standards. (a) Pain management clinics shall be sited a minimum of twenty-five hundred feet (2,500') from churches, parks, schools or residences.

(b) Pain management clinics shall comply with all other requirements found in the City of Manchester Zoning Code regarding location of medical facilities. (as added by Ord. #1566, Feb. 2019 ***Ch19_5-7-19***)

CHAPTER 6

ZONING DISTRICTS

SECTION

14-601. Classification of districts.
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14-601. Classification of districts. For the purpose of this zoning ordinance, the following zoning districts are hereby established in the City of Manchester, Tennessee.

	Zoning District	District Abbreviation
(1)	Residential districts.	
	Large lot residential district	R-1
	Low-density residential district	R-2
	Medium-density residential district	R-3
	High-density residential district	R-4
(2)	Commercial districts.	
	Central business district	C-1
	Highway service district	C-2
	General commercial district	C-3

	Neighborhood service business district	C-4
	Office/professional service district	C-5
(3)	Industrial districts.	
	Light industrial district	I-1
	General industrial district	I-2
(4)	Floodway district.	F-I
(5)	Special overlay district regulations.	
	Planned commercial district	
	Historic zoning overlay district	

(1972 Code, § 11-601)

14-602. Zoning map. The location and boundaries of the zoning districts established by this zoning ordinance are bounded and defined as shown on the map entitled Zoning Atlas of Manchester, Tennessee.[1] The zoning map and any amendment, thereto shall be dated with the effective date of the zoning ordinance that adopts same. Certified prints of the adopted map and zoning map amendments shall be maintained in the office of the mayor and building inspector and shall be available for inspection by the public at all reasonable times, as long as this zoning ordinance remains in effect. (1972 Code, § 11-602)

14-603. Zoning district boundaries. Unless otherwise indicated on the zoning map amendment, the district boundaries are lot lines, center lines of streets or alleys, as they exist at the time of the enactment of the zoning. Questions concerning the exact locations of district boundaries shall be determined by the Manchester Board of Zoning Appeals.

Where a district boundary line divides a lot existing at the time this zoning ordinance takes effect, and the major portion of said lot is in the less restricted district, the regulations relative to that district may extend as well to such portion of said lot as is not more than one hundred (100) feet within the more restricted district. (1972 Code, § 11-603)

14-604. Zoning of annexed territory. Prior to the annexation of property, the planning commission shall recommend zoning districts to the Manchester City Commission, which shall assign the zoning districts by zoning ordinance within one hundred twenty (120) days after annexation. (1972 Code, § 11-604)

14-605. Residential district regulations. The residential districts established by this zoning ordinance are designed to promote and protect public

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[1]The zoning map, and all amendments thereto, is of record in the finance director's office.

health, safety, comfort, convenience, prosperity, and other aspects of the general welfare. These general goals include, among others, the following specific purposes:

(1) To provide sufficient space in appropriate locations for residential development to meet the housing needs of the city's present and expected future population, with due allowance for the need for a choice of sites and building types;

(2) To protect residential areas, as far as possible, against heavy traffic and against through traffic of all kinds;

(3) To protect residential areas against congestion, by regulating the density of population and the bulk of buildings in relation to the land around them and to one another, and by providing for off-street parking spaces.

(4) To require the provision of open space and a maximum conservation of natural sites in residential areas, and to encourage the provision of additional open space by permitting planned development of moderately higher density and intensity coverage with concomitantly higher standards of open space, in order to provide large open areas with greater utility for rest and recreation; and to encourage the development of more attractive and economic and less monotonous building forms, by providing freedom of architectural and site design;

(5) To provide for access of light and air to windows and for privacy by controls over the spacing and height of buildings and other structures;

(6) To provide appropriate space for those public and private educational, recreational, health, and similar facilities which serve the needs of nearby residents, which generally perform their own activities more effectively in a residential environment, and which do not create objectionable influences;

(7) To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of residential development, to protect the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect the city's tax revenue. (1972 Code, § 11-605)

14-606. R-1, Large lot residential district. (1) Purpose and intent of district. These districts are designed to provide suitable areas for low density residential development characterized by an open appearance. Generally, the residential development will consist of single family detached dwellings and accessory structures. These districts also include community facilities, public utilities, and open uses which serve specifically the residents of these districts, or which are benefited by an open residential environment without creating objectionable or undesirable influence upon residential developments. Further, it is the intent of this zoning ordinance that these districts be located so that the provision of appropriate urban services will be physically and economically facilitated and so that provision is made for the orderly expansion and maintenance of urban residential development within the urban area. It is the

express purpose of this zoning ordinance to exclude from these districts all buildings and other structures and uses having commercial characteristics whether operated for profit or otherwise, except that conditional uses and home occupations specifically provided for in these regulations for these districts shall be considered as not having such characteristics if they otherwise conform to the provisions of this zoning ordinance.

(2) Uses permitted. In the R-1, large lot residential district, the following uses are permitted.

Agricultural activities
Crops and animal raising

Residential activities
Single detached dwelling

Community facility activities
Essential services

(3) Accessory uses and structures. (a) Private garages and sheds.

(b) Outdoor recreational facilities exclusively for the use of the residents.

(c) Signs in compliance with the regulations set forth in § 14-516.

(d) Home occupations as defined by and subject to the provisions of § 14-509.

(e) Other accessory structures and uses customarily incidental to the permitted uses.

(4) Uses permitted as special exceptions. In the R-1, large lot residential district, the following uses may be permitted as special exceptions after review and approval by the board of zoning appeals in accordance with § 14-808.

Community facility activities
Administrative services
Community assembly
Community education
Cultural and recreational services
Intermediate impact facilities
Personal and group care facilities
Religious facilities

Residential activities
Boarding house
Bed and breakfast inns

(5) Uses prohibited. In the R-1, large lot residential district, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

(6) Dimensional requirements. All uses permitted in the R-1, large lot residential district, shall comply with the following requirements.

(a) Minimum lot size.

Minimum area	
With sewer	15,000 square feet
Without sewer	15,000 square feet
Lot width at building setback	
With sewer	100 feet
Without sewer	125 feet

(b) Minimum yard requirements.

Front yard setback*	35 feet
Side	20 feet
Rear	25 feet

*The front yard setback will be required to meet the average setback of existing residential structures along the same street in the one hundred fifty feet (150') adjoining the lot. In no case shall this required front yard setback be more than fifty feet (50') feet.

(c) Maximum lot coverage. On any lot, the area occupied by all structures, including accessory structures, shall not exceed thirty (30) percent of the total area.

(d) Height requirements. No principal building shall exceed three (3) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories in height, except as provided in § 14-704.

(e) Parking space requirements. As regulated in § 14-501.

(f) Landscaping. The front yard, excluding necessary driveways, shall be landscaped and not used for automobile storage.

(g) Accessory structures. (i) With the exception of signs and fences, accessory structures shall not be erected in any required front yard.

(ii) Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot. (1972 Code, § 11-605.1, as amended by Ord. #817, May 1998, Ord. #1577, Aug. 2019 ***Ch21_07-05-22***, and Ord. #1661, Nov. 2022 ***Ch22_04-04-23***

14-607. Deleted. (as added by Ord. #1577, Aug. 2019 ***Ch21_07-05-22***, and deleted by Ord. #1661, Nov. 2022 ***Ch22_04-04-23***)

14-608. R-2, Low-density residential district. (1) Purpose and intent of district. These districts are designed to provide suitable areas for low to medium density residential development where appropriate urban services and facilities are provided or where the extension of such services and facilities will be physically and economically facilitated. Most generally, these districts will be characterized by single-family detached structures and such other structures as are accessory thereto. These districts also include community facilities, public utilities and open uses which serve specifically the residents of those districts or which are benefited by and compatible with a residential environment. It is the express purpose of this zoning ordinance to exclude from these districts all buildings or other structures and uses having commercial characteristics whether operated for profit or otherwise, except that special exceptions and home occupations specifically provided for in these regulations for these districts shall be considered as not having such characteristics if they otherwise conform to the provisions of this zoning ordinance.

(2) Uses permitted. In the R-2, low-density residential district, the following uses are permitted.

Residential activities

Single detached family

Community facility activities

Essential services

(3) Accessory uses and structures. (a) Private garages and sheds.

(b) Outdoor recreational facilities exclusively for the use of the residents.

(c) Signs in compliance with the regulations set forth in § 14-516.

(d) Home occupations as defined by and subject to the provisions of § 14-509.

(e) Other accessory structures and uses customarily incidental to the permitted uses.

(4) Uses permitted as special exceptions. In the R-2, low-density residential district, the following uses may be permitted as special exceptions after review and approval by the board of zoning appeals in accordance with § 14-809.

Community facility activities

Community assembly

Community education

Cultural and recreational services

Health care facilities

Intermediate impact facilities

Personal and group care facilities
Religious facilities

Residential activities
Boarding house
Bed and breakfast inns
Town home structures with a minimum area per family of ten thousand (10,000) square feet

(5) Uses prohibited. In the R-2, low-density residential district, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

(6) Dimensional requirements. All uses permitted in the R-2, low-density residential district, shall comply with the following requirements.

(a) Minimum lot size.

Minimum area	10,000 square feet
Area per family	10,000 square feet
Lot width at building setback	75 feet

(b) Minimum yard requirements.

Front yard setback for residential structures*	25 feet
Front yard setback for all other uses	35 feet
Side	10 feet
Rear	25 feet

*The front yard setback will be required to meet the average setback of existing residential structures along the same street in the one hundred fifty feet (150') adjoining the lot. In no case shall this required front yard setback be more than thirty-five feet (35') feet. When the lot abuts a collector or arterial roadway as shown on the current Manchester Major Thoroughfare Plan, the front yard setback shall be a minimum of thirty-five feet (35').

(c) Maximum lot coverage. On any lot, the area occupied by all structures, including accessory structures, shall not exceed thirty-five (35) percent of the total area.

(d) Height requirements. No principal building shall exceed three (3) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories in height, except as provided in § 14-704.

(e) Parking space requirements. As regulated in § 14-501.

(f) Landscaping. The front yard, excluding necessary driveways shall be landscaped.

(g) Accessory structures. (i) With the exception of signs and fences, accessory structures shall not be erected in any required front yard.

(ii) Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building and the same lot. (1972 Code, § 11-605.2, as amended by Ord. #817, May 1998, Ord. #1118, Oct. 2005, and renumbered and amended by Ord. #1577, Aug. 2019 ***Ch21_07-05-22***, and Ord. #1661, Nov. 2022 ***Ch22_04-04-23***)

14-609. Deleted. (as added by Ord. #1577, Aug. 2019 ***Ch21_07-05-22***, and deleted by Ord. #1661, Nov. 2022 ***Ch22_04-04-23***)

14-610. Deleted. (Ord. #814, April 1998, as amended and renumbered by Ord. #1577, Aug. 2019 ***Ch21_07-05-22*** and deleted by Ord. #1661, Nov. 2022 ***Ch22_04-04-23***)

14-611. R-3, Medium-density residential district. (1) Purpose and intent of district. This class of district is designed to provide suitable areas for medium density residential development where sufficient urban services and facilities are provided or where the extension of such services can be physically and economically facilitated prior to development. All types of residential activities are permitted. It is the intent of this district to not restrict in number the dwelling units contained in a building provided there is sufficient area of zone lot and open space on such lot relative to the number of dwelling units thereon. This class of district is intended also to permit community facility and public utility installations which are necessary to serve and do serve specifically the residents of these districts, or which installations are benefitted by and compatible with a residential environment. It is the express purpose of this zoning ordinance to exclude from this class district all buildings and other structures and uses having commercial characteristics and not planned as an integral part of a total residential development, whether operated for profit or otherwise, except that conditional uses and home occupations specifically provided for in these regulations for this class of district shall be considered as not having such characteristics if they otherwise conform to the provisions of this zoning ordinance.

(2) Uses permitted. In the R-3, medium-density residential district, the following uses are permitted.

Residential activities
Single detached dwelling
Duplex dwelling

Community facility activities
Essential services

(3) Accessory uses and structures. (a) Private garages and sheds.

(b) Outdoor recreational facilities exclusively for the use of the residents.

(c) Signs in compliance with the regulations set forth in § 14-516.

(d) Home occupations as defined by and subject to the provisions of § 14-509.

(e) Other accessory structures and uses customarily incidental to the permitted uses.

(4) Uses permitted as special exceptions. In the R-3, medium-density residential district, the following uses may be permitted as special exceptions after review and approval by the board of zoning appeals in accordance with § 14-808.

Community facility activities
Administrative services
Community assembly
Community education
Cultural and recreational services
Health care facilities
Intermediate impact facilities
Personal and group care facilities
Religious facilities

Residential activities
Boarding house
Bed and breakfast inns
Dwelling, multi-family (apartment, townhouse)

(5) Uses prohibited. In the R-3, medium-density residential district, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

(6) Dimensional requirements. All uses permitted in the R-3, medium-density residential district, shall comply with the following requirements.

(a) Minimum lot size.

Minimum area	7,500 square feet
Area per family	6,000 square feet
Lot width at building setback	75 feet

(b) Minimum yard requirements.

Front yard setback for residential structures*	25 feet

Front yard setback for all other uses	35 feet
Side	10 feet
Rear	15 feet

*The front yard setback will be required to meet the average setback of existing residential structures along the same street in the one hundred fifty feet (150') adjoining the lot. In no case shall this required front yard setback be more than thirty-five feet (35'). When abutting a collector or arterial roadway, as shown on the current Manchester Major Thoroughfare Plan, the front yard setback shall be a minimum of thirty-five feet (35').

(c) Maximum lot coverage. On any lot, the area occupied by all structures, including accessory structures, shall not exceed thirty-five (35) percent of the total area.

(d) Height requirements. No principal building shall exceed three (3) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories in height, except as provided in § 14-704.

(e) Parking space requirements. As regulated in § 14-501.

(f) Landscaping. The front yard, excluding necessary driveways, shall be landscaped.

(g) Accessory structures. (i) With the exception of signs and fences, accessory structures shall not be erected in any required front yard.

(ii) Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot. (1972 Code, § 11-605.3, as amended by Ord. #817, May 1998, renumbered by Ord. #1577, Aug. 2019 ***Ch21_07-05-22***, and amended by Ord. #1661, Nov. 2022 ***Ch22_04-04-23***)

14-612. R-4, High-density residential district. (1) Purpose and intent of district. This class of district is designed to provide suitable areas for high-density residential development where sufficient urban services and facilities are available or where such facilities will be available prior to development. All types of residential activities are permitted, if they are in a planned unit development. It is the intent of this district to not restrict in number the dwelling units contained in a building provided there is sufficient area of zone lot and open space on such lot relative to the number of dwelling units thereon. This class of district is intended also to permit community facility and public utility installations which are necessary to serve and do serve specifically the residents of these districts, or which installations are benefitted by and compatible with a residential environment. Commercial activities may be permitted where included as a part of a planned development.

(2) Uses permitted. In the R-4, high-density residential district, the following uses are permitted.

Residential activities

(a) Permanent activities.

Dwelling, single detached
Dwelling, duplex
Dwelling, multi-family (apartment, townhouse)

(b) Semi-permanent residential.

Boarding house
Rooming house

(3) Accessory uses and structures. (a) Private garages and sheds.

(b) Outdoor recreational facilities exclusively for the use of the residents.

(c) Signs in compliance with the regulations set forth in § 14-516.

(d) Home occupations as defined by and subject to the provisions of § 14-509.

(e) Other accessory structures and uses customarily incidental to the permitted uses.

(4) Uses permitted as special exceptions. In the R-4, high-density residential district, the following uses may be permitted as special exceptions after review and approval by the board of zoning appeals in accordance with § 14-810.

Community facility activities
Administrative services
Community assembly
Community education
Cultural and recreational services
Health care facilities
Intermediate impact facilities
Personal and group care facilities
Religious facilities

Residential activities
Boarding house
Bed and breakfast inns

(5) Uses prohibited. In the R-4, high-density residential district, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

(6) Dimensional requirements. All uses permitted in the R-4, high-density residential district, shall comply with the following requirements.

(a) Minimum lot size	5,000 square feet
Area per fammily	3,000 square feet

Lot width at building setback	50 feet

(b) Minimum yard requirements.

Font yard setback for residential structures*	20 feet
Front yard setback for all other uses	35 feet
Side	5 feet
Rear	15 feet

*The front yard setback will be required to meet the average setback of existing residential structures along the same street in the one hundred fifty feet (150') adjoining the lot. In no case shall this required front yard setback be more than thirty-five feet (35'). When abutting a collector or arterial roadway, as shown on the current Manchester Major Thoroughfare Plan, the front yard setback shall be a minimum of thirty-five feet (35').

(c) Maximum lot coverage. On any lot, the area occupied by all structures, including accessory structures, shall not exceed fifty (50) percent of the total area.

(d) Height requirements. No principal building shall exceed three (3) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories in height, except as provided in § 14-704.

(e) Parking space requirements. As regulated in § 14-501.

(f) Landscaping. The front yard, excluding necessary driveways, shall be landscaped.

(g) Accessory structures. (i) With the exception of signs and fences, accessory structures shall not be erected in any required front yard.

(ii) Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot. (1972 Code, § 11-605.4, as amended by Ord. #817, May 1998, renumbered and amended by Ord. #1577, Aug. 2019 ***Ch21_07-05-22***, and amended by Ord. #1661, Nov. 2022 ***Ch22-04-04-23***)

14-612A. R-5 High-density residentia/mobile home district.

(1) Purpose and intent of district. This class of district is designed to provide suitable areas for high-density residential/mobile home development where sufficient urban services and facilities are available or where such facilities will be available prior to development. All types of residential activities are permitted if they are in a planned unit development. This class of district is intended also to permit community facility and public utility installations which are necessary to serve and do serve specifically the residents

of these districts, or which installations are benefitted by and compatible with a residential environment. Commercial activities may be permitted where included as part of a planned development.

(2) Uses permitted. In the R-5 high-density residential/mobile home district, the following uses are permitted:

Residential activities

Permanent activities
Dwelling, single detached
Dwelling, mobile home
Mobile home parks subject to the provisions of § 14-517

(3) Accessory uses and structures.

(a) Private garages and sheds

(b) Outdoor recreational facilities exclusively for the use of the residents.

(c) Other accessory structures and uses customarily incidental to the permitted uses.

(4) Uses permitted as special exceptions. In the R-5 high-density residential/mobile home district, the following uses may be permitted as special exceptions after review and approval by the board of zoning appeals in accordance with $14-808:

Community facility activities
Administrative services
Community assembly
Community education
Cultural and recreational services
Health care facilities
Intermediate impact facilities
Personal and group care facilities
Religious facilities

(5) Uses prohibited. In the R-5 high density residential/mobile home district, any use not permitted by right, by accessory use or as a special exception as defined above is strictly prohibited.

(6) Dimensional requirements. All uses permitted in the R-5 high density mobile home district shall comply with the following requirements:

(a) Minimum lot size.
Single-family and mobile home dwellings: 5,000 sq. feet
Lot width at building setback:
Single-family and mobile home dwellings: 50 feet

(b) Minimum yard requirements.
Front yard setback: 20 feet

Side: 5 feet
Rear: 15 feet

(c) Maximum lot coverage. On any lot, the area occupied by all structures, including accessory structures, shall not exceed fifty percent (50%) of the total area.

(d) Height requirements. No principal building shall exceed three (3) stories or thirty-five feet (35') in height and no accessory structure shall exceed two (2) stories in height, except as provided in §14-704.

(e) Parking space requirements: As regulated in §14-501.

(f) Landscaping. The front yard, excluding necessary driveways, shall be landscaped.

(g) Accessory structures.

(i) With the exception of fences, accessory structures shall not be erected in any required front yard.

(ii) Accessory structures shall be located at least five (5) feet from any side lot line; from the rear lot line and from any building on the same lot. (as added by Ord. #1661, Nov. 2022 ***Ch22_04-04-23***)

14-613. <u>Commercial district regulations</u>. The commercial districts established by this zoning ordinance are designed to promote and protect public health, safety, comfort, convenience, prosperity, and other aspects of the general welfare. These goals include, among others, the following specific purposes:

(1) To provide sufficient space, in appropriate locations in proximity to established residential areas, for local retail and service trades catering specifically to the recurring shopping needs of the occupants of nearby residences.

(2) To protect both retail and service developments and nearby residences against fire, explosions, toxic and noxious matter, radiation, and other hazards, and against offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare, and their objectionable influences.

(3) To protect both retail and service developments and nearby residences against congestion, by regulating the intensity of retail and service developments consistent with their marketing function, by restricting those types of establishments which generate heavy traffic, and providing for off-street parking and loading facilities.

(4) To provide sufficient space in appropriate locations for commercial districts to satisfy functional needs of Manchester, and in particular the need for medical services, and the needs of the general public traveling along major highways.

(5) To provide sufficient space in appropriate locations for the mixture of compatible high density residential and restricted commercial developments where standards for development will provide protection for the environmental essentials of either.

(6) To provide sufficient space in appropriate locations for all types of commercial and miscellaneous service activities.

(7) To enhance the central business district and to promote and protect its service attributes, to lessen congestion in the district, to provide for high intensity of land use consistent with land valuation, and to protect its intended functional aspects against encroachment by detrimental influences.

(8) To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of commercial development, to protect and strengthen the economic base of Manchester to protect the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings. (1972 Code, § 14-606, and renumbered by Ord. #1577, Aug. 2019 ***Ch21_07-05-22***)

14-614. C-1, Central business district. (1) District description. This district is designed to provide for a wide range of retail, office, amusement, and service uses, and light industrial processes involving high performance standards. In addition, this district provides for governmental uses, and community facilities and utility necessary to serve the district or which are required for the general community welfare. The regulations are structured to permit maximum freedom of pedestrian movement. Relatively high density and intensity of use is permitted in this district.

(2) Uses permitted.

Community facility activities
Administrative services
Community assembly
Cultural and recreational services
Essential services
Health care facilities

Commercial activities
Automotive parking
Consumer repair services
Convenience commercial
Entertainment and amusement services
Financial, consulting and administrative services
Food and beverage services
General business and communication services
General personal services

General retail trade
Medical and professional services
Transient habitation
Undertaking services

(3) Accessory uses and structures. The following accessory uses are permitted in the C-1, central business district.

(a) Signs in compliance with the regulations set forth in § 14-518.

(b) Accessory off-street parking and loading facilities as required in § 14-501.

(c) Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

(4) Uses permitted as special exceptions. In the C-1, central business district, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with § 14-810.

Residential activities
Permanent residential - multi-family only
Semi-permanent residential

Community facility activities
Community education
Personal and group care facilities
Religious facilities
Commercial activities
Motor vehicle dealers

(5) Uses prohibited. Any uses or structures not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the C-1, central business district.

(6) Dimensional regulations. All uses permitted in the C-1, central business district shall comply with the following requirements, except as provided in chapter 7.

(a)	Minimum lot size.	
	Minimum lot area	None
	Lot width at building setback	None
(b)	Minimum yard requirements.	
	Front yard setback	Twenty-five (25) feet, except where a building or buildings on an adjacent lot or lots provide front yards less than twenty (20) feet in depth, a front yard equal to the average

	of adjacent front yards shall be provided
Side yard setback	None, except that when an open area is provided, it shall be at least ten (10) feet wide, and shall be unobstructed
Rear yard setback	Twenty (20) feet

(c) Maximum lot coverage. There are no restrictions on the area occupied by all buildings including accessory buildings on a lot or parcel located in the C-1 district.

(d) Height requirement. The maximum height of all buildings located in the C-1 district shall be established as follows, except as provided in § 14-704.

(i) The maximum building height at the street line shall be four (4) stories or fifty (50) feet.

(ii) For each foot the building is setback from the street line, the height of the building may be increased by one and one-half (1 1/2) feet to a maximum height of sixty-five (65) feet.

(e) Parking space requirements. Parking spaces in the central business district are not regulated in § 14-501.

(f) Accessory structures. Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

(g) Landscaping provisions. Each site shall be developed with a minimum of ten (10) percent of the lot area landscaped to enhance site appearance. Included in the ten (10) percent coverage, there shall be maintained a landscaped strip at least ten (10) feet wide along all street right-of-way lines, exclusive of business driveways and walkways. The provisions of this section may be waived by the board of zoning appeals in cases where the lack of setbacks would make strict application of the provision impossible. (1972 Code, § 11-606.1, as amended by Ord. #1100, June 2005, Ord. #1156, Dec. 2006, and amended and renumbered by Ord. #1577, Aug. 2019 ***Ch21_07-05-22***)

14-615. C-2, Highway service district. (1) District description. This district is designed to provide adequate space in appropriate locations for uses which serve the needs of the motoring public. Automobile and other vehicular service establishments, transient sleeping accommodations, and eating and drinking establishments primarily characterize this district. In addition, commercial trade and service uses are permitted if necessary to serve the recurring needs of persons frequenting these districts. Community facilities and utilities necessary to serve these districts, or necessary for the general

community welfare are also permitted. Bulk limitations required of uses in these districts, in part, are designed to maximize compatibility with lesser intense use of land or building in proximate residential districts. Appropriate locations for this district are along major traffic arteries. Such districts should be situated near major transportation interchanges in clustered development patterns, and not patterns of striped commercial development extending in a continuous manner along such major traffic arteries.

(2) Uses permitted. In the C-2, highway service district, the following uses and their accessory uses are permitted.

Community facility activities
Administrative services
Community assembly
Community education
Cultural and recreational services
Essential services
Health care facilities
Intermediate impact facilities
Personal and group care facilities
Religious facilities

Commercial activities
Animal care and veterinarian services
Automotive parking
Automotive service and repair
Building materials and farm equipment
Consumer repair services
Construction sales and services
Convenience commercial
Entertainment and amusement services
Financial, consulting, and administrative
Food and beverage service
Food service - drive-in
General business and communication services
General personal service
General retail trade
Medical and professional services
Transient habitation
Transport and warehousing
Undertaking services
Vehicular, craft and related equipment

(3) Accessory uses and structures. The following accessory uses are permitted in the C-2, highway service district.

(a) Signs in compliance with the regulations set forth in § 14-516.

(b) Accessory off-street parking and loading facilities as required in § 14-501.

(c) Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

(4) Uses permitted as special exceptions. In the C-2, highway service district, the following uses and their accessory uses may be permitted as special exceptions, after review and approval in accordance with § 14-810.

Commercial Activities
Wholesale

Manufacturing activities
Limited manufacturing activities

Agricultural, resources production, and extractive activities
Plant and forest nurseries

(5) Uses prohibited. Any uses or structures not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the C-2, highway service district.

(6) Dimensional regulations. All uses permitted in the C-2, highway service district, shall comply with the following requirements in chapter 7.

(a) Minimum lot size.	
Minimum lot area	20,000 square feet
Lot width at building setback	100 feet
(b) Minimum yard requirements.	
Front yard setback	35 feet
Side yard setback, except where the side yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be forty (40) feet.	15 feet
Rear yard setback, except where the rear yard abuts or is adjacent to a residential district, in which case the minimum setback for	20 feet

that yard shall be forty (40) feet.

(c) Maximum lot coverage. On any area or parcel of land, the area occupied by all buildings including accessory buildings, shall not exceed seventy (70) percent of the total area of such lot or parcel.

(d) Height requirements. No building shall exceed sixty (60) feet in height, except as provided in § 14-804.

(e) Parking space requirement. As regulated in § 14-501.

(f) Accessory structures. Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

(7) Landscaping provisions. Each site shall be developed with a minimum of ten (10) percent of the lot area landscaped to enhance site appearance. Included in the ten (10) percent coverage, there shall be maintained a landscaped strip at least ten (10) feet wide along all street rights-of-way lines exclusive of business driveways and walkways.

(8) Planned commercial development provisions. All developments within the C-2, highway service district, involving two (2) or more buildings on a single tract, site, or lot or any development site involving three (3) or more acres must be submitted as a planned commercial development as provided in § 14-620(1). (1972 code, § 11-606.2, as amended by Ord. #1193, Jan. 2008, and renumbered by Ord. #1577, Aug. 2019 ***Ch21_07-05-22***)

14-616. C-3, General commercial district. (1) District description. These districts are designed to provide for a wide range of commercial uses concerned with retail trade and consumer services; amusement and entertainment establishments; automotive and vehicular service establishments; transient sleeping accommodations; drive-in stores; eating and drinking places, financial institutions; and offices. The uses in this district service a wide market area and, therefore, ease of automotive access is a requirement. However, it is not intended that this district permit uses which generate large volumes of truck traffic. Appropriate open space between commercial and residential areas is required.

(2) Uses permitted. In the C-3, general commercial district, the following uses and their accessory uses are permitted.

Community facility activities
Administrative services
Community assembly
Community education
Cultural and recreational services
Essential services
Health care facilities
Intermediate impact facilities
Personal and group care facilities
Religious facilities

Commercial activities
Animal care and veterinarian services
Automotive parking
Automotive service and repair
Building materials and farm equipment
Consumer repair services
Construction sales and services
Convenience commercial
Entertainment and amusement services
Financial, consulting, and administrative
Food and beverage service
Food service - drive-in
General business and communication services
General personal service
General retail trade
Group assembly
Medical and professional services
Transient habitation
Transport and warehousing
Undertaking services
Vehicular, craft and related equipment
Wholesale sales

(3) Accessory uses and structures. The following accessories are permitted in the C-3, general commercial district.

(a) Signs in compliance with the regulations set forth in § 14-516.

(b) Accessory off-street parking and loading facilities as required in § 14-501.

(c) Accessory structures and uses, provided that such accessory structures and uses are carried out an the same lot and are not otherwise prohibited.

(4) Uses permitted as special exceptions. In the C-3, general commercial district, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with § 14-810.

Manufacturing activities
Limited manufacturing activities
Intermediate manufacturing activities (biodiesel fuel)
Agricultural, resources production and extractive activities
Plant and forest nurseries

(5) Uses prohibited. Any use or structure not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the C-3, general commercial district.

(6) Dimensional regulations. All uses permitted in the C-3, general commercial district, shall comply with the following requirements, except as provided in chapter 7.

(a) Minimum lot size.

Minimum lot area	10,000 square feet
Lot width at building setback	100 feet

(b) Minimum yard requirements.

Front yard setback	35 feet
Side yard setback, except where the side yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be forty (40) feet.	15 feet
Rear yard setback, except where the rear yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be fifty (50) feet.	20 feet

(c) Maximum lot coverage. On any area or parcel of land, the area occupied by all buildings including accessory buildings, shall not exceed sixty (60) percent of the total area of such lot or parcel.

(d) Height requirements. No building shall exceed sixty (60) feet in height, except as provided in § 14-704.

(e) Parking space requirement. As regulated in § 14-501.

(f) Accessory structures. Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

(7) Landscaping provisions. Each site shall be developed with a minimum of ten (10) percent of the lot area landscaped to enhance site appearance. Included in the ten (10) percent coverage, there shall be maintained a landscaped strip at least ten (10) feet wide along all street rights-of-way lines exclusive of business driveways and walkways.

(8) Planned commercial development provisions. All developments within the C-3, general commercial district, involving two (2) or more buildings on a single tract, site, or lot or any development site involving three (3) or more acres must be submitted as a planned commercial development as provided in § 14-620(1). (1972 Code, § 11-606.3, as amended by Ord. #1147, Aug. 2006,

Ord. #1193, Jan. 2008, and renumbered by Ord. #1577, Aug. 2019 ***Ch21_07-05-22***)

14-617. C-4, Neighborhood convenience service districts.

(1) District description. This district is designed to provide for uses to serve the recurring household needs and personal service requirements of the occupants of nearby residential areas. The permitted establishments are those which provide for regular local shopping and which, therefore, are visited frequently by customers. This district may occur along or away from arterial streets, characteristically are small, and are distributed widely for convenient accessibility by residential area occupants. The bulk regulations are established to commercial activity in the district and adjacent residential activity, and to lessen the concentration of vehicular traffic as compared to other commercial districts providing goods and services for a more extensive marketing area.

(2) Uses permitted. In the C-4, neighborhood convenience service district, the following uses and their accessory uses are permitted.

Community facility activities
Administrative services
Community assembly
Community education
Cultural and recreational services
Essential services
Health care facilities
Intermediate impact facilities
Personal and group care facilities
Religious facilities

Commercial activities
Convenience commercial
General personal service
General retail trade
Medical and professional services

(3) Accessory uses and structures. The following accessories are permitted in the C-4, neighborhood convenience service district.

(a) Signs in compliance with the regulations set forth in § 14-518.

(b) Accessory off-street parking and loading facilities as required in § 14-501.

(c) Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

(4) Uses permitted as special exceptions. No uses are permitted as special exceptions in the C-4, neighborhood convenience service district.

(5) Uses prohibited. Any use or structure not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the C-4, neighborhood convenience service district.

(6) Dimensional regulations. All uses permitted in the C-4, neighborhood convenience service district, shall comply with the following requirements, except as provided in chapter 7.

(a) Minimum lot size.

Minimum lot area	15,000 square feet
Lot width at building setback	100 square feet

(b) Minimum yard requirements.

Front yard setback	40 feet
Side yard setback, except where the side yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be forty (40) feet.	15 feet
Rear yard setback, except where the rear yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be fifty (50) feet.	20 feet

(c) Maximum lot coverage. On any area or parcel of land, the area occupied by all buildings including accessory buildings, shall not exceed sixty (60) percent of the total area of such lot or parcel.

(d) Height requirements. No building shall exceed sixty (60) feet in height, except as provided in § 14-804.

(e) Parking space requirement. As regulated in § 14-501.

(f) Accessory structures. Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

(7) Landscaping provisions. Each site shall be developed with a minimum of ten (10) percent of the lot area landscaped to enhance site appearance. Included in the ten (10) percent coverage, there shall be maintained a landscaped strip at least ten (10) feet wide along all street rights-of-way lines exclusive of business driveways and walkways.

(8) Planned commercial development provisions. All developments within the C-4, neighborhood convenience service district, involving two (2) or more buildings on a single tract, site, or lot or any development site involving three (3) or more acres must be submitted as a planned commercial development as provided in § 14-620(1). (1972 Code, § 11-606.4, as amended by Ord. #1193, Jan. 2008, and renumbered by Ord. #1577, Aug. 2019 ***Ch21_07-05-22***)

14-618. C-5, Office/professional service district. (1) This district is designed to provide for the provision of professional office services, medical and personal services, as well as financial, insurance, real estate and consulting services. In addition to the office activities, limited commercial trade and certain community facilities are permitted to serve the needs of persons frequenting this district.

(2) Uses permitted. In the C-5, office/professionals service district, the following uses and their accessory uses are permitted.

Community facility activities
Administrative services
Community assembly
Community education
Cultural and recreational services
Essential services
Health care facilities
Personal and group care facilities
Religious facilities

Commercial activities
Automotive parking
Financial, consulting, and administrative services
General business and communication services
General personal service
Medical and professional services

(3) Accessory uses and structures. The following accessories are permitted in the C-5, office/professional service district.

(a) Signs in compliance with the regulations set forth in § 14-516.

(b) Accessory off-street parking and loading facilities as required in § 14-501.

(c) Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

(4) Uses permitted as special exceptions. In the C-5, office/professional service district, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with § 14-810.

Commercial activities
Food and beverage service
Food service drive-in
Helipads

(5) Uses prohibited. Any use or structure not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the C-5, office/professional service district.

(6) Dimensional regulations. All uses permitted in the C-5, office/professional service district, shall comply with the following requirements, except as provided in chapter 7.

(a) Minimum lot size.

Minimum lot area	15,000 square feet
Lot width at building setback	100 feet

(b) Minimum yard requirements.

Front yard setback	40 feet
Side yard setback, except where the side yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be forty (40) feet.	15 feet
Rear yard setback, except where the rear yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be fifty (50) feet.	20 feet

(c) Maximum lot coverage. On any area or parcel of land, the area occupied by all buildings including accessory buildings, shall not exceed sixty (60) percent of the total area of such lot or parcel.

(d) Height requirements. No building shall exceed sixty (60) feet in height, except as provided in § 14-804.

(e) Parking space requirement. As restated in § 14-501.

(f) Accessory structures. Accessary structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

(7) Landscaping provisions. Each site shall be developed with a minimum of ten (10) percent of the lot area landscaped to enhance site

appearance. Included in the ten (10) percent coverage, there shall be maintained a landscaped strip at least ten (10) feet wide along all street rights-of-way lines exclusive of business driveways and walkways.

(8) Planned commercial development provisions. All developments within the C-5, office/professional service district, involving two (2) or more buildings on a single tract, site, or lot or any development site involving three (3) or more acres must be submitted as a planned commercial development as provided in § 14-620(1). (1972 Code, § 11-606.5, as amended by Ord. #1091, Feb. 2005, and Ord. #1193, Jan. 2008, and renumbered by Ord. #1577, Aug. 2019 ***Ch21_07-05-22***)

14-619. Industrial districts. The industrial districts established by this zoning ordinance are designed to promote and protect the health, safety, morals, convenience, order, prosperity, and other aspects of the general welfare. These goals include, among others, the following specific purposes:

(1) To provide sufficient space, in appropriate locations, to meet the needs of the area of Manchester's expected economic expansion for all types of distributive, industrial and related activities, with due allowance for the need for choice of suitable sites.

(2) To protect distributive, industrial and related activities, as well as residential and related activities by providing for the separation of these uses, and, as far as possible, provide that appropriate space needs for distributive and industrial activities are available by prohibiting the use of such space for residential purposes.

(3) To encourage industrial development which is free from danger of fire, explosions, toxic or noxious matter, radiation, smoke, dust or other particulate matter, and other hazards, and from offensive noise, vibration, odorous matter, heat, humidity, glare, and other objectionable influences, by permitting such development areas where this zoning ordinance restricts the emission of such nuisances, without regard to the industrial products and processes involved.

(4) To protect adjacent residential and commercial areas, and to protect the labor force in other establishments engaged in less offensive types of industrial and related activities, by restricting those industrial activities which involve danger of fire, explosions, toxic or noxious matter, radiation, smoke, dust, or other particulate matter, and other hazards, or create offensive noise, vibration, heat, humidity, glare, and other objectionable influences, by permitting such development in areas where this zoning ordinance restricts the emission of such nuisances, without regard to the industrial products or processes involved.

(5) To protect industrial activities and related developments against congestion, as far as is possible and appropriate in each area, by limiting the bulk of buildings in relation to the land around them and to one another, and by

requiring space off public ways for parking and loading facilities associated with such activities.

(6) To promote the most desirable use of land and direction of building development, to promote stability of industrial and related development, to strengthen the economic base of the Manchester area, to protect the character of these districts and their peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect Manchester's tax revenues. (1972 Code, § 11-607, and renumbered by Ord. #1577, Aug. 2019 ***Ch21_07-05-22***)

14-620. I-1, Light industrial district. (1) District description. These districts are intended to provide space for a wide range of industrial and related uses which conform to a relatively low level of objectionable influences. It is required that all operations of industrial establishments be carried on within completely enclosed buildings thus providing a standard of development which removes most adverse characteristics that affect neighboring properties. These districts may provide a buffer between other districts and other industrial activities which have more objectionable influences. New residential activities are excluded, but community facilities and commercial establishments which provide needed services for industry and are complementary thereto are permitted.

(2) Uses permitted. In the I-1, light industrial district, the following uses and accessory uses are permitted.

Community facility activities
Essential services
Extensive impact facilities
Commercial activities
Animal care and veterinarian services
Building materials and farm equipment
Construction sales and services
Transport and warehousing
Wholesale sales

Manufacturing activities
Limited manufacturing
Intermediate manufacturing

Agricultural, resources production, and extraction activities
Crop and animal raising
Plant and forest nurseries

(3) Accessory uses and structures. The following accessory uses are permitted in the I-1, light industrial district.

(a) Signs in compliance with the regulations set forth in § 14-516.

(b) Accessory off-street parking and loading facilities as required in § 14-501.

(c) Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

(4) Uses permitted as special exceptions. In the I-1, light industrial district, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with § 14-810.

Community facility activities
Administrative services
Intermediate impact facilities

Commercial activities
Adult entertainment
Consumer repair services
Construction sales and services
Entertainment and amusement services
Food and beverage service
Food service drive-in
Group assembly

(5) Uses prohibited. Any uses or structures not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the I-1, light industrial district.

(6) Dimensional regulations. All uses permitted in the I-1, light industrial district shall comply with the following requirements except as provided in chapter 7.

(a)	Minimum lot size.	
	Minimum lot area	20,000 square feet
	Lot width at building line	100 feet
(b)	Minimum yard requirements.	
	Front yard setback	50 feet
	Side yard setback, except where the side yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be forty (40) feet.	20 feet
	Rear yard setback, except where the rear yard abuts or is	25 feet

adjacent to a residential district, in which case the minimum setback for that yard shall be fifty (50) feet.

(c) Maximum lot coverage. On any area or parcel of land, the area occupied by all buildings including accessory buildings, shall not exceed sixty (60) percent of the total area of such lot or parcel.

(d) Height requirements. No building shall exceed forty-five (45) feet in height, except as provided in § 14-804.

(e) Parking space requirement. As regulated in § 14-501.

(f) Accessory structures. Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

(7) Landscaping provisions. Each site shall be developed with a minimum of ten (10) percent of the lot area landscaped to enhance site appearance. Included in the ten (10) percent coverage, there shall be maintained a landscaped strip at least ten (10) feet wide along all street rights-of-way lines exclusive of business driveways and walkways. (1972 Code, 11-607.1, as amended by Ord. #873, March 2000, and renumbered by Ord. #1577, Aug. 2019 ***Ch21_07-05-22***)

14-621. I-2, General industrial district. (1) District description. These districts are intended to provide space for the types of industrial activities which by reason of volume of raw materials or freight, scale of operation, type of structures required, or other similar characteristics, require location relatively well segregated from nonindustrial uses. New residential activities are excluded, but community facilities and commercial establishments which provide needed services for industry and are complementary thereto are permitted.

(2) Uses permitted. In the I-2, general industrial district, the following uses and accessory uses are permitted.

Community facility activities
Essential services

Commercial activities
Animal care and veterinarian services
Building materials and farm equipment
Construction sales and services
Food and beverage service
Food service drive-in
Transport and warehousing
Wholesale sales

Manufacturing activities
Limited manufacturing
Intermediate manufacturing

(3) Accessory uses and structures. The following accessory uses are permitted in the I-2, general industrial district.

(a) Signs in compliance with the regulations set forth in § 14-516.

(b) Accessory off-street parking and loading facilities as required in § 14-501.

(c) Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

(4) Uses permitted as special exceptions. In the I-2, general industrial district, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with § 14-810.

Community facility activities
Extensive impact facilities

Commercial activities
Adult entertainment
Group assembly

Manufacturing activities
Extensive manufacturing activities

Agricultural, resources production, and extractive activities
Mining drilling and quarrying

(5) Uses prohibited. Any uses or structures not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the I-2, general industrial district.

(6) Dimensional regulations. All uses permitted in the I-2, general industrial district shall comply with the following requirements except as provided in chapter 7.

(a)	Minimum lot size.	
	Minimum lot area	40,000 square feet
	Lot width at building line	150 feet
(b)	Minimum yard requirements.	
	Front yard setback	100 feet
	Side yard setback, except where the side yard abuts or is adjacent to a	40 feet

residential district, in which case the minimum setback for that yard shall be eighty (80) feet.

Rear yard setback, except where the rear yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be one hundred (100) feet. — 50 feet

(c) Maximum lot coverage. On any area or parcel of land, the area occupied by all buildings including accessory buildings, shall not exceed fifty (50) percent of the total area of such lot or parcel.

(d) Height requirement. No building shall exceed forty-five (45) feet in height, except as provided in § 14-804.

(e) Parking space requirement. As regulated in § 14-501.

(f) Accessory structures. Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

(7) Landscaping provisions. Each site shall be developed with a minimum of ten (10) percent of the lot area landscaped to enhance site appearance. Included in the ten (10) percent coverage, there shall be maintained a landscaped strip at least ten (10) feet wide along all street rights-of-way lines exclusive of business driveways and walkways. (1972 Code, § 11-607.2, as amended by Ord. #873, March 2000, and renumbered by Ord. #1577, Aug. 2019 ***Ch21_07-05-22***)

14-622. Provisions governing floodway and flood fringe districts.

(1) Intent and objectives. (a) Finding of fact.

(i) The flood hazard areas of Manchester are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(ii) The flood losses are caused by the cumulative affect of obstructions in flood heights and velocities, the occupancy of flood-hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise protected from flood damages.

(b) Statement of purpose. It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public loses due to flood conditions in specific areas by provisions designed to:

(i) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(ii) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(iii) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

(iv) Control filling, grading, dredging and other development which may increase erosion or flood damage, and;

(v) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(c) Objectives. The objectives of this zoning ordinance are:

(i) To protect human life and health;

(ii) To minimize expenditure of public money for costly flood control projects;

(iii) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(iv) To minimize prolonged business interruptions;

(v) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

(vi) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas, and;

(vii) To insure that potential home buyers are notified that property is in a flood area.

(2) Supplementary definitions. The following definitions are to be used for interpreting the provisions of this chapter only. The definitions are not intended to permit uses of land that may otherwise be prohibited by the base zoning district. Where words have not been defined, the standard dictionary definition shall prevail, unless defined in chapter 3, of this zoning ordinance.

(a) "Accessory structure" shall represent a subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:

(i) Accessory structures shall not be used for human habitation.

(ii) Accessory structures shall be designed to have low flood damage potential.

(iii) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

(iv) Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.

(v) Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

(b) "Act" means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.

(c) "Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

(d) "Appeal" means a request for a review of the building inspector's interpretation of any provision of this zoning ordinance or a request for a variance.

(e) "Area of shallow flooding" means a designated AO or AH zone, on a community's flood insurance rate map (FIRM) with one (1) percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

(f) "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 (FHEM). 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.

(g) "Area of special flood hazard" is the land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. The area may be designated as Zone A, on the FHBM. After detailed ratemaking has been completed in preparation for

publication of the FIRM, Zone A, usually is refined into zones A, AO, AH, A1-30, A-E or A99.

(h) "Base flood" means the flood having a one percent chance of being equalled or exceeded in any given year.

(i) "Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

(j) "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.

(k) "Building" for purposes of this section, means any structure built for support, shelter, or enclosure for any occupancy, or storage. (See "structure")

(l) "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

(m) "Elevated building" means a non-basement building

(i) built to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers),

(ii) and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of zones A1-30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building," also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

(n) "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.

(o) "Erosion" means the process of the gradual wearing away of land masses. This peril is not per se covered under the program.

(p) "Exception" means a waiver from the provisions of § 14-620(6), of this chapter directed to a community which relieves it from the requirements of a rule, regulation, order or other determination made or issued pursuant to the Act.

(q) "Existing construction" any structure for which the "start of construction" commenced before the effective date of this zoning ordinance.

(r) "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this zoning ordinance.

(s) "Existing structures," see "Existing construction."

(t) "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).

(u) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(i) The overflow of inland or tidal waters;

(ii) The unusual and rapid accumulation or runoff of surface waters from any source.

(v) "Flood elevation determination" means a determination by the administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

(w) "Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

(x) "Flood hazard boundary map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the flood related erosion areas having special hazards have been designated as Zone A, M, and/or E.

(y) "Flood insurance rate map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

(z) "Flood insurance study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles as well as the flood boundary map and the water surface elevation of the base flood.

(aa) "Floodplain" or "flood prone area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

(bb) "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.

(cc) "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.

(dd) "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

(ee) "Flood-related erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

(ff) "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.

(gg) "Flood-related erosion area management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and flood plain management regulations.

(hh) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

(ii) "Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

(jj) "Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings and the hydrological effect of urbanization of the watershed.

(kk) "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.

(ll) "Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

(mm) "Historic structure" means any structure that is:

(i) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(ii) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to quality as a registered historic district;

(iii) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(iv) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(A) By an approved state program as determined by the Secretary of the Interior, or

(B) Directly by the Secretary of the Interior in states without approved programs.

(nn) "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.

(oo) "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.

(pp) "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of § 14-605.

(qq) "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

(rr) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

(ss) "Map" means the flood hazard boundary map (FHBM) or the flood insurance rate map (FIRM) for a community issued by the agency.

(tt) "Mean-sea-level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this zoning ordinance, the term is synonymous with national geodetic vertical datum (NGVD) or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

(uu) "National geodetic vertical datum (NGVT)" as corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.

(vv) "New construction" any structure for which the "start of construction" commenced on or after the effective date of this zoning ordinance. The term also includes any subsequent improvements to such structure.

(ww) "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 zoning ordinance.

(xx) "100-Year flood", see "Base flood".

(yy) "Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

(zz) "Recreational vehicle" means a vehicle which is:

(i) Built on a single chassis;

(ii) Four hundred (400) square feet or less when measured at the largest horizontal projections;

(iii) Designed to be self-propelled or permanently towable by a light duty truck; and

(iv) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(aaa) "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.

(bbb) "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

(ccc) "Special hazard area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

(ddd) "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(eee) "State coordinating agency" (Tennessee Department of Economic and Community Development, Local Planning Assistance Office) means the agency of the state government, or other office designated by the governor of the state or by state statute at the request of the administrator to assist in the implementation of the National Flood Insurance Program in that state.

(fff) Structure, for purposes of this section, means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

(ggg) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

(hhh) "Substantial improvement" means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

(i) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or;

(ii) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

(iii) "Substantially improved existing manufactured home parks or subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

(jjj) "Variance" is a grant of relief from the requirements of this zoning ordinance which permits construction in a manner otherwise prohibited by this zoning ordinance where specific enforcement would result in unnecessary hardship.

(kkk) "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in § 14-620(5) is presumed to be in violation until such time as that documentation is provided.

(lll) "Water surface elevation" means the height, in relation to the national geodetic vertical datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

(3) General provisions. (a) Application. This chapter shall apply to all areas within the incorporated area of Manchester, Tennessee.

(b) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the City of Manchester, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) dated May 15, 2020 and Flood Insurance Rate map (FIRM), Community 4700035, Panel Numbers 47031C0192, 4703C0203C, 47031C0204C, 47031C00206C, 47031C0208C, 47031C0211C and 47031C0212C dated August 4, 2008 and 47031C0113D, 47031C011AD, 47031C0201D, and 47031C0202D dated May 15, 2020 along with all supporting technical date, are adopted by reference and declared to be a part of this ordinance.

(c) Requirement for development permit. A development permit shall be required in conformity with this chapter prior to the commencement of any development activity.

(d) Compliance. No structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this zoning ordinance and other applicable regulations.

(e) Abrogation and greater restrictions. This zoning ordinance is not intended to repeal, abrogate, or impair any existing easement, covenant, or deed restriction. However, where this zoning ordinance conflicts or overlaps with another, whichever imposes the more stringent restrictions shall prevail.

(f) Interpretation. In the interpretation and application of this zoning ordinance, all provisions shall be:

(i) Considered as minimum requirements;

(ii) Liberally construed in favor of the governing body, and;

(iii) Deemed neither to limit nor repeal any other powers granted under state statutes.

(g) Warning and disclaimer of liability. The degree of flood protection required by this zoning ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This zoning ordinance does not imply that land outside the flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This zoning ordinance shall not create liability on the part of the City of Manchester, Tennessee, or by any officer or employee thereof for any flood damages that result from reliance an this zoning ordinance or any administrative decision lawfully made hereunder.

(h) Penalties for violation. Violation of the provisions of this zoning ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Manchester, Tennessee, from taking such other lawful actions to prevent or remedy any violation.

(4) Administration. (a) Designation of building inspector. The building inspector is hereby appointed to administer and implement the provisions of this zoning ordinance.

(b) Permit procedures. Application for a development permit shall be made to the building inspector on forms furnished by him prior to any development activity. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities. Specifically, the following information is required:

(i) Application stage. (A) Elevation in relation to mean-sea-level of the proposed lowest floor (including basement) of all building.*

(B) Elevation in relation to mean-sea-level to which any nonresidential building will be floodproofed, where base flood elevation data is available.*

(C) Certificate from a registered professional engineer or architect that the nonresidential floodproofed building will meet the floodproofing criteria in § 14-619(4)(b)(ii), where base flood elevation data is available.*

(D) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.*

*(See (ii) below.)

(ii) Construction stage. Within unnumbered A zones, where flood elevation data are not available, the building inspector shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building and the highest adjacent grade. USGS Quadrangle maps may be utilized when no more detailed reference exists to establish reference elevations.

Within all flood zones where base flood elevation data are utilized, the building inspector shall require that upon placement of the lowest floor, or floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the building inspector a certification of the elevation of the lowest floor, or flood-proofed elevation, whichever is applicable, as built, in relation to mean-sea-level. Said certification shall be prepared by, or under the direct supervision of, a registered land surveyor, professional engineer, or architect and certified by same. When floodproofing is utilized for a particular building, said certification shall be prepared by, or under the direct supervision of, a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The building inspector shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(c) Duties and responsibilities of the building inspector. Duties of the building inspector shall include, but not be limited to:

(i) Review of all development permits to assure that the requirements of this zoning ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.

(ii) Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404, of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.

(iii) Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.

(iv) Record the actual elevation (in relation to mean--sea-level or highest adjacent grade, whichever is applicable) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with § 14-619(4)(b)(ii).

(v) Record the actual elevation (in relation to mean--sea-level or highest adjacent grade, whichever is applicable)

to which the new or substantially improved buildings have been floodproofed, in accordance with § 14-619(4)(b)(ii).

(vi) When floodproofing is utilized, the building inspector shall obtain certification from a registered professional engineer or architect, in accordance with § 14-619(4)(b)(ii).

(vii) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the building inspector shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in § 14-619(6).

(viii) When base flood elevation data or floodway data have not been provided by the federal emergency management agency then the building inspector shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A, on the community FHBM or FIRM, meet the requirements of this chapter.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the building inspector shall require the lowest floor of a building to be elevated or floodproofed to a level of at least two (2) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in § 14-619(2). All applicable data including the highest adjacent grade elevation and the elevations of the lowest floor of floodproofing shall be recorded as set forth in § 14-619(4)(b).

(ix) All records pertaining to the provisions of this zoning ordinance shall be maintained in the office of the building inspector and shall be open for public inspection. Permits issued under the provisions of this zoning ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

(x) Assure that the flood carrying capacity within an altered or relocated portion of any water course is maintained.

(5) Provisions for flood hazard reduction. (a) General standards. In all flood prone areas the following provisions are required:

(i) New construction and substantial improvements shall be anchored to prevent floatation, collapse or lateral movement of the structure;

(ii) Manufactured homes shall be elevated and anchored to prevent floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

(iii) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(iv) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(v) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(vi) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(vii) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(viii) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

(ix) Any alteration, repair, reconstruction or improvements to a building which is in compliance with the provisions of this zoning ordinance, shall meet the requirements of "new construction" as contained in this chapter; and,

(x) Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provision of this zoning ordinance, shall meet the requirements of "new construction" as contained in this chapter and provided said nonconformity is not extended.

(b) Specific standards. These provisions shall apply to all areas of special flood hazard as provided herein:

In all areas of special flood hazard where base flood elevation data have been provided, including A Zones, A1-30 Zones, AE Zones, AO

Zones, A-H Zones and A99 Zones, and has provided a regulatory floodway, as set forth in Article 3. Section B, the following provisions are required:

(i) Residential construction. New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of § 14-619(5)(b)(iii).

(ii) Nonresidential construction. New construction or substantial improvement of any commercial, industrial, or nonresidential building shall have the lowest floor, including basement, elevated no lower than one (1) foot above the level of the base flood elevation. Buildings located in all A-zones may be floodproofed in lieu of being elevated provided that all areas of the building below the required elevation are watertight with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the building inspector as set forth in § 14-619(4)(b)(ii).

(iii) Elevated building. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

(A) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.

(1) Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

(2) The bottom of all openings shall be no higher than one (1) foot above grade; and

(3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(B) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and

(C) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of § 14-619(5)(b).

(iv) Standards for manufactured homes and recreational vehicles.

(A) All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions of existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.

(B) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:

(1) The lowest floor of the manufactured home is elevated no lower than one (1) foot above the level of the base flood elevation on a permanent foundation;

(2) The manufactured home must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement; and,

(3) In or outside of an existing or new manufactured home park or subdivision, or in an expansion of an existing manufactured home park or subdivision, on which a manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved must meet the standards of § 14-619(5)(b)(iv)(B)(1) and (2) above.

(C) All recreational vehicles placed on sites must either:

(1) Be on the site for fewer than 180 consecutive days;

(2) Be fully licensed and ready for highway use; or

(3) The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of § 14-619(5)(b)(iv)(A) or (B)(1) and (2).

A recreational vehicle is ready for highway use if it is an its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures.

In all areas of special flood hazard where base flood elevation data or floodway data have not been provided, the provisions of § 14-619(4)(c)(viii) shall be utilized for all requirements relative to the base flood elevation or floodways.

(c) Standards for areas of special flood hazard zones A1-30 and AE, with established base flood elevation, but without floodways designated. Located within the areas of special flood hazard established in §14-619(3)(b) where streams exist with base flood data provided but where no floodways have been provided, (Zones A1-30 and AE) the following provisions apply:

(i) No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot, at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(ii) New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with § 14-619(5)(b).

(d) Standards for areas of shallow flooding (AO and AH zones). Located within the areas of special flood hazard established in § 14-619(3)(b) are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' to 3') where a clearly defined channel does not exist and

where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

(i) All new construction and substantial improvements of residential buildings shall have the lowest floor, including basement, elevated to the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated, at least two (2) feet above the highest adjacent grade.

(ii) All new construction and substantial improvements of nonresidential buildings shall:

(A) Have the lowest floor, including basement, elevated to the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement shall be elevated at least two (2) feet above the highest adjacent grade; or,

(B) Together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(iii) Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

(e) Standards for areas protected by flood protection system (A-99 zones). Located within the areas of special flood hazard established in § 14-619(3)(b) are areas of the 100-year flood protected by a flood protection system which is under construction but where base flood elevations and flood hazard factors have not been determined. With these areas (A-99 zones) the following provisions apply:

(i) All provisions of §§ 14-619(4) and 14-619(5)(a) and (h) shall apply.

(f) Standards for areas of special flood hazard with established base flood elevation and with floodways designated. Located within the areas of special flood hazard established in § 14-619(3)(b) where streams exist with base flood data and floodways provided, the following provisions apply:

(i) No encroachments, including fill material, new construction substantial improvements or other developments shall be located within designated floodways, unless certification

by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood during the occurrence of the base flood discharge at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(ii) If § 14-619(5)(f)(i) is satisfied, new construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with § 14-619(5)(b).

(g) Standards for unmapped streams (optional). Located within Manchester, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor base flood data or floodways have been provided. Adjacent to such streams the following provisions shall apply:

(i) In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream along each side of the stream, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.

(ii) When flood elevation data is available, new construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with § 14-619(4)(b)(ii).

(h) Standards for subdivision proposals. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood prone area, any such proposals shall be reviewed to ensure that:

(i) All subdivision proposals shall be consistent with the need to minimize flood damage.

(ii) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(iii) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(iv) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than fifty (50) lots and/or five (5) acres.

(6) Variance procedures. The provisions of this section shall apply exclusively to areas of special flood hazard.

(a) Board of zoning appeals. (i) The Manchester Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this chapter.

(ii) Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.

(iii) In passing upon such applications, the board of zoning appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this zoning ordinance, and:

(A) The danger that materials may be swept onto other property to the injury of others;

(B) The danger to life and property due to flooding or erosion;

(C) The susceptibility of the proposed facility and its contents to flood damage;

(D) The importance of the services provided by the proposed facility to the community;

(E) The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;

(F) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(G) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(H) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(I) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;

(J) The costs of providing governmental services during and after flood conditions including maintenance and

repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(iv) Upon consideration of the factors listed above, and the purposes of this zoning ordinance, the board of zoning appeals may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this zoning ordinance.

(v) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(b) Conditions for variances. (i) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.

(ii) Variances shall only be issued upon

(A) a showing of good and sufficient cause,

(B) a determination that failure to grant the variance would result in exceptional hardship; and

(C) a determination that the granting of a variance will not result in increased flood highlights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud an or victimization of the public, or conflict with existing local laws or ordinances.

(iii) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.

(iv) The building inspector shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request. (1972 code, § 11-608, and §§ 11-608.1 -- 11-608.6, as renumbered by Ord. #1577, Aug. 2019 ***Ch21_07-05_22***, and amended by Ord. #1587, March 2020 ***Ch21_07-05-22***)

14-623. Special overlay district regulations. The following regulations shall apply in the special overlay zoning districts established in § 14-601, of this zoning ordinance.

(1) Historic zoning overlap district; intent of the historic district. It is the purpose of this chapter to provide for the identification, designation and regulation, for purposes of protection, preservation and continued use and enhancement, of those sites, structures with their appurtenances and

environmental settings, and districts of historical, archaeological, architectural or cultural value to the City of Manchester. These requirements are adopted pursuant to the authority granted in Tennessee Code Annotated, § 13-7-401. The general intent of this provision includes, among others, the following specific purposes:

(a) To preserve and protect the historic and/or architectural value of buildings or other structures;

(b) To regulate exterior design, arrangement, texture and material proposed to be used within the historic district to ensure compatibility;

(c) To create an aesthetic appearance which complements the historic buildings or other structures;

(d) To stabilize and improve property values;

(e) To foster civic beauty;

(f) To strengthen the local economy; and

(g) To promote the use of historical districts for the education, pleasure and welfare of the present and future citizens of the City of Manchester.

(2) Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section.

(a) "Alteration." Any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction, or removal of any structure.

(b) "Construction." The act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

(c) "Demolition." Any act that destroys the external walls in whole or in part of a structure.

(d) "Demolition by neglect." The failure to provide ordinary and necessary maintenance and repair to a historic site or a historic resource within a historic district, whether by negligence or willful neglect, purpose or design, by the owner or any party in possession of such site.

(e) "Design guidelines." Standards adopted by the Manchester Historic Zoning Commission which preserve the historic, cultural, and architectural character of an area or of a structure.

(f) "An economic hardship." An economic burden imposed upon the owner which is unduly excessive and prevents a realization of a reasonable rate of return upon the value of his property.

(g) "Historic district." A group of historic resources which are significant as a cohesive unit and contribute to the historical, architectural, archaeological or cultural values within the City of

Manchester and which has been so designated by the historic zoning commission.

(h) "Historic landmark." Any individual historic resource that is significant and contributes to the historical, architectural, archaeological or cultural values within the City of Manchester and which has been so designated by historic zoning commission.

(i) "Ordinary repair and maintenance." Any work, the purpose of which is to correct any deterioration or decay of or damage to a structure or any part thereof and to restore the same, as nearly as may be practicable, to its condition prior to such deterioration, decay or damage, using the same materials or those materials available which are as close as possible to the original.

(j) "Relocation." Any change of the location of a structure in its present setting or another setting.

(k) "Structure." A nonmoveable work made up interdependent and interrelated parts in a definite pattern of organization.

(3) Boundaries of historical districts and landmarks. Upon adoption of this zoning ordinance the historic zoning commission shall delineate the boundaries of the historical district or landmark and have it approved by the Manchester City Board. After the boundary receives approval by the board, it shall be shown on the zoning map or as special overlays to the zoning map. Changes in the boundaries of the historical district or landmarks may occur after a recommendation by the historical zoning commission and approved by the board.

(a) Historic district defined. A historic district shall be defined as a geographically definable area which possesses a significant concentration, linkage or continuity of sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development, and which meets one (1) or more of the following criteria.

(i) That it is associated with an event which has made a significant contribution to local, state, or national historic; or

(ii) That it includes structures associated with the lives of persons significant in local, state, or national history; or

(iii) That it contains structures or groups of structures which embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

(iv) That it has yielded or may be likely to yield archaeological information important in history or prehistory; or

(b) Landmark defined. A historic landmark shall be defined as a building, structure, site or object, its appurtenance and the property it is located on, of high historical, cultural, architectural or archaeological importance and whose demolition or destruction would constitute an irreplaceable loss to the quality and character of Manchester and which meets one (1) or more of the following criteria:

(i) That is associated with an event which has made a significant contribution to local, state, or national history;

(ii) That is associated with the lives of persons significant in local, state, or national history;

(iii) That embodies the distinctive characteristics of a type, period, or method of construction or that represents the work of a master, or that possesses high artistic value;

(iv) That has yielded or may be likely to yield archaeological information important in history or prehistory; or

(v) That is listed in the National Register of Historic Places.

(4) Powers and duties of the historical zoning commission.

(a) The historic zoning commission shall review applications regarding the creation of historic districts and landmarks. The review of such applications shall be in accordance with the criteria set forth in subsection (d) above. The commission shall furnish to the city council, in writing, its recommendations regarding the creation of any recommendations of the commission prior to the establishment of such districts or landmarks.

(b) Prior to the establishment of a historic district or landmark, and subsequent to adoption of the district or landmark, the historic zoning commission shall adopt for each such proposed district or landmark a set of review guidelines, which it will apply in ruling upon the granting or denial of a certificate of appropriateness as provided for in this chapter. Such review guidelines shall be consistent with the purposes of this chapter and with regulations and standards adopted by the Secretary of the Interior pursuant to the National Historic Preservation Act of 1966, as amended, applicable to the construction, alteration, rehabilitation, relocation or demolition of any building, structure or other improvement situated within a historic district or landmark which has been certified by the Secretary of the Interior as a registered historic district or landmark. Reasonable public notice and opportunity for public comment, by public hearing or otherwise, shall be required before the adoption of any such review guidelines.

(c) It shall be the duty of the historic zoning commission to make the following determinations with respect to the historic districts or landmarks when applicable:

(i) Appropriateness of altering or demolishing any building or structure within the historic district or any landmark. The commission may require interior and exterior photographs, architectural measured drawings of the exterior, or other notations of architectural features to be used for historical documentation as a condition of any permission to demolish a building or structure, such photographs, drawings, etc., shall be at the expense of the property owner.

(ii) Appropriateness of exterior architectural features, including signs and other exterior fixtures, of any new buildings and structures to be constructed within the historic district or of any landmark.

(iii) Appropriateness of exterior design of any new extension of any existing building or structure within the historic district or of any landmark.

(iv) Appropriateness of front yards, side yards, rear yards, off-street parking spaces, location of entrance drives into the property, sidewalks along the public right-of-way, which might affect the character of any building or structure within the historic district or landmark.

(v) Appropriateness of the general exterior design, arrangement, texture, material, of the building or other structure in question and the relation of such factors to similar features of buildings in the immediate surroundings and entire district. However, the historic zoning commission shall not consider interior arrangement or design.

(A) Historical or architectural value of the present structure;

(B) The relationship of the exterior architectural features of such structure to the rest of the structures, to the surrounding area, and to the character of the district;

(C) The general compatibility of exterior design, arrangement, texture, and materials proposed to be used; and

(D) To any other factor, including aesthetic, which is reasonably related to the purpose of this chapter.

(d) The commission, its members and employees, in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this zoning ordinance, but there shall be no right of entry into any building without the consent of the owner.

(e) Any member of the historic zoning commission who shall have a direct or indirect interest in any property which is the subject

matter of, or affected by, a decision of said commission shall be disqualified from participating in the discussion, decision, or proceedings of the historic zoning commission in connection therewith.

(5) Construction, alteration, repair, moving, or demolition.

(a) There shall be no construction, alteration, remodeling, or change of color that affects the external appearance of a historic site without the prior approval of the historic zoning commission. Such approval shall be signified by a certificate of approval which shall be issued by the commission in such form as the commission shall deem advisable.

(i) Applications. Applications for certificate of approval shall be made at the office of the building inspector of the City of Manchester. The building inspector shall notify the historic zoning commission of such applications, which shall be in the form of preliminary scale drawings and specifications, and such other documents as are appropriate to acquaint the commission with the details of the proposed project. If the preliminary drawings and other data are sufficiently clear, the commission may grant final approval upon the basis of them. However, the commission shall have the power to require drawings signed by registered architects or engineers and such other documentation as required.

(ii) Consideration of applications. All applications for certificates of approval received by the building inspector ten (10) days prior to the next regularly scheduled meeting of the historic zoning commission shall be considered by the commission at the next meeting date. Any application not granted final approval shall be considered at the next regular meeting before which the application submits whatever documentation required by the commission at its preliminary consideration of the project.

(iii) Approval or disapproval. Within thirty (30) days following the availability of sufficient data and documentation, the historic zoning commission shall issue its certificate of approval with or without attached condition or refuse to grant a certificate of approval. If the commission should refuse to grant a certificate of approval, it shall state its grounds for refusal in writing and communicate such grounds to the applicant.

(b) No historic site may be demolished or partially demolished without the prior approval of the historic zoning commission. Any application to demolish or partially demolish a structure in the historic district shall be forwarded to the historic zoning commission.

(6) Moratorium on alteration or demolition. The commission shall have the power to require a one hundred eighty (180) day moratorium on any request to demolish or alter any structures covered by this zoning ordinance.

If no action has been taken or no provisions made for acquiring or restoring the structure within this period of time, the proposed demolition or alteration shall be deemed to have been approved by the commission.

(a) Demolition by neglect. Structures located within a historic district which contribute architecturally or historically to the character and importance of the district and all landmarks shall be preserved against decay and deterioration and kept free from structural defects by the owner or such other person or persons who may have legal custody and control thereof. The owner or other person having custody and control, in keeping with the city's housing standards, shall repair any exterior or interior portions of such building, sites, structure, or object which is becoming deteriorated, decayed, or damaged and tending to cause the structure to fall into a state of disrepair.

(b) The historic zoning commission, on its own initiative, may file a petition with the building inspector requesting that he proceed under the public safety and housing regulations to require correction of defects or repairs to a structure covered under § 14-620(2), above, so that such structure shall be preserved and protected in accordance with the purposes of this zoning ordinance.

(c) If any structure covered by § 14-620(2), above, shall have to be demolished as a public safety hazard and the owner of the structure shall receive two or more notices from the building inspector of building neglect in violation of this zoning ordinance and other city ordinances, no application for a permit for a project on the property may be considered for a period of two (2) years from the date of demolition of the structure. Additionally, no permit for a curb cut needed for the operation of a surface parking lot shall be granted by any city office during this period.

(7) Regulation of signs. In addition to the requirements applicable to all signs found elsewhere in this code, signs in the historic zoning district shall meet the following standards:

(a) Signs should be easily seen and clearly understandable without being inconsistent in color, size or intensity with surrounding architectural features, glaring, garish, loud or lurid.

(b) Materials and design should relate to the architectural features of the building, the storefront and/or other buildings, signs and storefronts in the area.

(c) No sign may be located on a structure so that it obscures any architectural features such as a cornice (unless the sign consists of individual letters) or be oversized in proportion to the building.

(d) The registered trademark of a specific commodity shall occupy no more than fifteen percent (15%) of the area of a sign, unless the said commodity is the major business conducted on the premises.

(e) The primary business sign may bear lettering only to the name and kind of business and the year the business was established.

(f) No support for a sign shall extend above the cornice line of a building to which the sign is attached.

(g) The following signs shall not be permitted, constructed, erected or maintained:

(i) Signs which incorporate any manner of flashing, moving or intermittent lighting, excluding public service signs showing time and temperature;

(ii) Any signs which no longer advertise a business or product previously sold unless it is of cultural, aesthetic or historical significance to the historic district;

(iii) Portable signs;

(iv) Signs erected so as to obstruct any door, window or fire escape on a building;

(v) Roof signs;

(vi) Vertical, windless banner flags;

(vii) Large wall signs painted on the side of buildings which are taller than the surrounding buildings, unless they are of aesthetic or historical significance.

(h) The sign may be only one (1) square foot of sign area per linear foot of building frontage used by tenant. Where a building fronts on more than one (1) street, the aggregate footage for each frontage shall be calculated and used separately. At no time shall the sign obscure architectural features or be oversized in proportion to the building.

(i) Tops of wall signs for street level establishments may not protrude above the tops of second story windowsills.

(j) V-shaped "sandwich" signs or free-standing sidewalk signs may be used up to a maximum size of two feet six inches (2' 6") wide and three feet six inches (3' 6") tall. They must be removed at close of business day; secured against wind and maintained in good condition.

(k) Internally illuminated, electronic programmable, neon and changeable copy signs that flash, change color or scroll are prohibited in the historic district.

(l) Handwritten signs are prohibited unless approved on an individual basis by the historic zoning commission. Acceptable colors may be obtained from the historic zoning commission.

(m) Banner signs are approved for temporary use no longer than sixty (60) days.

(n) Businesses that have moved to another location must remove any and all signage within ninety (90) days after the move or close of the business.

(o) Approved awning signs are permitted provided they blend in with the architecture of the building. Awnings should enhance the building's design; but, should not be the dominant feature. Awning lettering that is a maximum of twenty-five percent (25%) of the awning face may be used for signage regardless of the building façade.

(i) Material - Canvas, cloth and metal awnings are permitted. Material used should be of high quality, colorfast and sun fade resistant. Vinyl, plastic and wood are not allowed.

(ii) Color - Awning colors are generally limited to a single field color with a single contrasting color for the lettering. Acceptable colors may be obtained from the historic zoning commission.

(iii) Location - Awning must be placed in a traditional location above doors and windows only.

(p) Signs exempt from this section:

(i) No solicitation;

(ii) Hours of operation, open or closed;

(iii) Address numbers;

(iv) No trespassing and security signs;

(v) Flags or insignias: Flags of the United States, State of Tennessee; governmental flags or insignias of governmental entities are not counted as signage. Vertical, windless banner flags not permitted in the historic district.

(vi) Special sale signs: Merchants can display temporary advertising signs on the inside of their windows provided they do not cover more than thirty-three percent (33%) of the window area. Special sale signs may be displayed for no more than two (2) weeks at a time, five (5) times per day. They should be removed within three (3) days after the event.

(vii) Public necessity signs such as restrooms, credit cards accepted and smoking prohibited.

(viii) Special event signs: Flyers, banners and posters of upcoming events may be displayed one (1) month prior to the event and removed within five (5) days after the event.

(ix) Historical signs and markers;

(x) For sale/rent/help wanted.

(q) Non-compliance with sign standards will be subject to a fine of up to fifty dollars ($50.00) per day of violation or injunction in appropriate cases. Enforcement of this section shall be by the City of Manchester Codes Department.

(r) Owners will have sixty (60) days to comply after approval of this section.

(8) Determination of economic hardship. Each application for removal or demolition shall be considered, taking into account economic hardship. The commission may, after reasonable notice, set an application for public hearing and may consider any or all of the following:

(a) Estimate of the cost of the proposed redevelopment, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the commission for changes necessary for the issuance of a certificate of appropriateness.

(b) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structure of the property and their suitability for rehabilitation.

(c) Estimated market value of the property in its current condition; after completion of the proposed redevelopment, alterations, demolition, or removal; after any changes recommended by the commission; and, in the case of a proposed demolition, after renovation of the existing property for continued use.

(d) In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate consultant, appraiser, or other real estate professional experienced in rehabilitation or reuse of the existing structure on the property.

(e) Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.

(f) If the property is incoming-producing, the annual gross income from the property for the previous two (2) years; itemized operating and maintenance expenses for the previous two (2) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.

(g) Any other information considered necessary by the commission to a determination as to whether the property does yield or may yield a reasonable return to the owners.

Request for reconsideration shall be taken up at a public hearing with reasonable notice and consideration given to any or all of the factors listed above.

(9) Jurisdiction and appeals. Anyone who may be aggrieved by any final order or judgment of the historic zoning commission may have such order or judgment reviewed by the courts by the procedure of statutory certiorari, as provided in title 27, chapter 8, of Tennessee Code.

Nothing in this chapter shall be interpreted as giving the commission any authority to consider, review, examine or control the use of property classified

as a historic zoning district or landmark. Use shall be controlled solely by the zoning controlling such property prior to its classification as a historic district or landmark or as may be rezoned by subsequent amendments.

All subdivided developments having zero lot line buildings shall have a subdivision plat containing all subdivided lots approved by the planning commission prior to any building permit being issued. The subdivision plat shall list all recorded easements and covenants that will exist between the lots.

(10) The provisions of this part shall be enforced by the health and codes department. (1972 Code, § 11-609 and §§ 11-609.1 -- 11-609.2, as amended by Ord. #904, Nov. 2000, Ord. #1288, Nov. 2010, Ord. #1301, June 2011, Ord. #1309, Sept. 2011, Ord. #1483, June 2016, and Ord. #1534, June 2017, and renumbered by Ord. #1577, Aug. 2019 ***Ch21_07-05-22***)

CHAPTER 7

EXCEPTIONS AND MODIFICATIONS

SECTION

14-701. Scope.
14-702. Nonconforming uses.
14-703. Bulk and lot size noncompliance.
14-704. Exceptions to height limitations.
14-705. Lots of record.
14-706. Exceptions to setback requirements.
14-707. Absolute minimum lot size.

14-701. Scope. This chapter is devoted to providing for the necessary exceptions and modifications to the specific zoning district provisions and the supplementary provisions provided in chapter 5 and chapter 6. (1972 Code, § 11-701)

14-702. Nonconforming uses. The districts established in this zoning ordinance (as set forth in district regulations in chapter 6) are designed to guide the future use of land in Manchester, Tennessee by encouraging the development of desirable residential, commercial, and industrial areas with appropriate groupings of compatible, and related uses and thus promote and protect the public health, safety, and general welfare.

As a necessary corollary, in order to carry out such purposes, nonconforming uses which adversely affect the development of such areas must be subject to certain limitations. The provisions governing nonconforming uses set forth in this chapter are therefore established to contain the existing undesirable conditions resulting from such incompatible nonconforming uses, which are detrimental to the achievement of such purposes. While such uses are generally permitted to continue, this zoning ordinance is designed to restrict any expansion of such uses beyond the site which the use occupied upon the effective date of this zoning ordinance.

In the case of buildings or other structures not complying with the bulk regulations of this zoning ordinance, the provisions governing noncomplying buildings or other structures set forth in this chapter are established in order to permit the continued use of such buildings or other structures, but to limit the creation of additional noncompliance or increase in the degree of noncompliance.

These provisions are thus designed to preserve the character of the districts established in this zoning ordinance in light of their suitability to particular uses, and thus to promote the public health, safety, and general welfare.

(1) Provisions governing nonconforming uses. (a) Applicability. The provisions of this chapter are applicable to all uses which are not permitted within the districts in which they are located. Additionally, buildings and other structures located within the floodway are considered within the regulations of nonconforming uses.

(b) Construction or use permit approved prior to ordinance adoption. Nothing contained herein shall require any change in the overall layout, plans, construction, site or designated use of any development, building, structure, or part thereof where official approvals and required building permits have been granted before the enactment of this zoning ordinance, or any amendment thereto, the construction of which, conforming with such plans, shall have been started prior to the effective date of this zoning ordinance and completion thereof carried on in a normal manner within the subsequent six (6) months period, and not discontinued until completion except for reasons beyond the builder's control.

In the event that the activity or construction of such building or other structures is not substantially underway and being diligently pursued within the six (6) month period following the issuance of a building permit, then such permit shall automatically lapse and the provisions of this zoning ordinance shall apply.

(c) Repairs and alterations. Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

(d) Zone lot containing nonconforming use. A zone lot containing a nonconforming use shall not be reduced in area except to comply with section (c).

(e) Continuation of nonconforming use. Any nonconforming use which existed lawfully at the time of enactment of this zoning ordinance and which remains nonconforming under the provisions contained herein or any use which shall become nonconforming upon enactment of this zoning ordinance, or any subsequent amendments thereto, may be allowed to continue in operation and be permitted provided that no change in use is undertaken.

(f) Change of nonconforming use. (i) General provisions. For the purpose of this chapter, a change in use is a change to another use either under the same activity type or any other activity type or major class of activity; however, a change in occupancy or ownership shall not, by itself, constitute a change of use.

A nonconforming use may be changed to any conforming use, and the applicable bulk regulations and accessory off-street parking requirements shall apply to such change of use or to alterations made in order to accommodate such conforming use.

(ii) Land with incidental improvements. In all districts a nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall be changed only to a conforming use.

(iii) Nonconforming to conforming use. Whenever a nonconforming use is changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.

(g) Expansion of nonconforming uses. (i) General provisions. Any nonconforming use which shall become nonconforming, upon enactment of this zoning ordinance, or any subsequent amendments thereto, may be allowed to expand operations and construct additional facilities which involve an actual continuance and expansion of the nonconforming use provided that any such expansion shall not violate the provisions as set out below.

(ii) Land with incidental improvements. In all districts a nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall not be allowed to expand through the addition of buildings or other structures.

(iii) Adequate space for expansion. No expansion or any nonconforming use shall infringe upon, or increase the extent of any infringement existing at the time of adoption of this zoning ordinance, upon any open space required by this zoning ordinance. All required yard setback requirements must be adhered to in any such expansion project.

(iv) Expansion limited. Any expansion of a nonconforming use permitted under the provisions of this section shall take place only upon the zone lot(s) on which said use was operating at the time the use became nonconforming. Nothing within this provision shall be construed so as to permit expansion of any nonconforming use through the acquisition and development of additional land.

(v) Expansion upon land subject to flood. No expansion of any nonconforming use shall violate the provisions of § 14-619.

(h) Damage or destruction. (i) General provisions. Any nonconforming use which shall become nonconforming upon enactment of this zoning ordinance, or any subsequent amendments thereto, may be permitted to reconstruct damaged or destroyed facilities which involve any actual continuance of the nonconforming use provided that any such reconstruction shall not violate the provisions set out below.

(ii) Change in use prohibited. No reconstruction of damaged or destroyed facilities may occur which shall act to change the nonconforming use (as regulated in section (g), above) to other than a permitted use.

(iii) Land with incidental improvements. In all districts, when a nonconforming building or other structure or improvements located on "land with incidental improvements" (as defined by this zoning ordinance) is damaged or destroyed to the extent of twenty-five (25) percent or more of the assessed valuation of all buildings, and other structure or other improvements located thereon (as determined from the assessment rolls effective on the date of damage or destruction), such nonconforming use shall terminate and the tract of land shall therefore be used only for a conforming use.

(iv) Infringement upon open space restricted. No reconstruction of damaged or destroyed facilities utilized by a nonconforming use shall increase the extent of any infringement upon any open space required by this zoning ordinance.

(v) Reconstruction of floor damaged property. The provisions of § 14-703, shall apply to the reconstruction of all buildings and structures associated with any nonconforming use located within a floodway district.

(i) Discontinuance. When a nonconforming use of land or the active operation of substantially all the nonconforming uses in any building or other structure or tract of land is discontinued for a period of one (1) year, then the land or building or other structure shall thereafter be used only for conforming use. Intent to resume active operations shall not affect the foregoing provision. (1972 Code, § 11-702 and § 11-702.1)

14-703. Bulk and lot size noncompliance. (1) General provisions. The provisions of this chapter shall control buildings and other structures which do not meet the bulk or any other provisions applicable in the districts in which they are located except those provisions which pertain to activity or use.

(2) Continuation of use. The use of a noncomplying building or other structure or parcel may be continued, except as otherwise provided by this chapter.

(3) Repairs and alterations. Repairs, incidental alterations, or structural alterations may be made in noncomplying buildings or other structures subject to the provisions of § 14-703(4) through § 14-703(6).

(4) Enlargements or conversions. A noncomplying building or other structure may be enlarged or converted, provided that no enlargement or conversion may be made which would either create a new noncompliance or

increase the degree of noncompliance of any portion of a building or other structure or parcel.

(5) Buildings noncomplying as to lot area. If a building does not comply with the applicable district regulations on lot area per dwelling unit (lot area being smaller than required for the number of dwelling units on such zone lot) such building may be converted (except when in the floodway district), provided that the deficiency in the required lot area is not thereby increased (for example, a noncomplying building on a lot of thirty-five hundred (3,500) square feet, which before conversion required a lot area of five thousand (5,000) square feet and was, therefore, deficient by 1,500 square feet, can be converted into any combination of dwelling units allowed in the zoning district in question requiring a lot area of no more than five thousand (5,000) square feet).

(6) Damage or destruction of noncomplying uses. A noncomplying building which is damaged or destroyed may be reconstructed, provided that the reconstruction will not either create a new noncompliance or increase the degree of noncompliance of a building or structure or parcel or portion thereof. (1972 Code, § 11-703)

14-704. Exceptions to height limitations. The height limitations of this zoning ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, transmission towers, windmills not in residential zones, chimneys, smokestacks, conveyors, flag poles, public and semi-public radio towers, masts and aerials. Heights exceptions for radio towers and windmills in residential zoning districts shall be allowed only when approved by the planning commission. (1972 Code, § 11-704)

14-705. Lots of record. The following provisions shall apply to all existing lots of record:

(1) Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this zoning ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this zoning ordinance, an application may be submitted to the board of zoning appeals for a variance from the terms of this zoning ordinance. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are compiled with as closely as possible in the opinion of the board of zoning appeals.

(2) No lot which is now or hereafter built upon shall be so reduced in area that the yards and open space will be smaller than prescribed by this zoning ordinance, and no yard, court, or open space provided around any building for the purpose of complying with the provisions hereof, shall again be considered as a yard, court, or other open space for another building.

(3) Where two (2) or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located. (1972 Code, § 11-705)

14-706. Exceptions to setback requirements. The front setback requirement of this zoning ordinance for dwellings shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one hundred (100) feet on each side of such lot is less than the minimum required front yard depth. In such cases, the front yard setback may be less than required but not less than the average of the existing depth for front yards on developed lots within one hundred (100) feet on each side of the lot. In residential districts, however, the setback shall in no case be less than fifteen (15) feet from the street right-of-way line. (1972 Code, § 11-706)

14-707. Absolute minimum lot size. In no case shall the building inspector or the board of zoning appeals permit any zone lot in a residential district to be used as building site which, is less than six thousand (6,000) square feet in total area and thirty (30) feet in width at its narrowest point, or has a front setback of less than fifteen (15) feet and a side setback of less than five (5) feet, with the exception of officially approved planned developments. (1972 Code, § 11-707)

CHAPTER 8

ADMINISTRATION AND ENFORCEMENT

SECTION

11-801. Administration of the zoning ordinance.
11-802. The enforcement officer.
11-803. Building permits.
11-804. Temporary use permits.
11-805. Certificate of occupancy.
11-806. Board of zoning appeals.
11-807. Variances.
11-808. Procedure for authorizing special exceptions.
11-809. Amendments to the resolution.
11-810. Zoning and subdivision fees.
11-811. Penalties.
11-812. Remedies.
11-813. Validity.
11-814. Interpretation.
11-815. Effective date.

14-801. Administration of the zoning ordinance. Except as otherwise provided, no structure or land shall after the effective date of this zoning ordinance be used and no structure or part thereof shall be erected, altered, or moved unless in conformity with the regulations herein specified for the district in which it is located. In their interpretation and application, the provisions of this zoning ordinance shall be considered minimum requirements adopted for the promotion of public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other zoning ordinances, resolutions, or regulations heretofore adopted or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other zoning ordinances, resolutions, or regulations is mandatory. (1972 code, § 11-801)

14-802. The enforcement officer. The provisions of this zoning ordinance shall be administered and enforced by the city building inspector. In performance of administering and enforcing this zoning ordinance, he shall:

(1) Issue all building permits and make and maintain records thereof.

(2) Issue all certificates of occupancy and make and maintain records thereof.

(3) Issue and renew, where applicable, all temporary use permits and make and maintain records thereof.

(4) Maintain and keep current zoning maps and records of amendments thereto.

(5) Receive, file and forward to the board of zoning appeals all applications for variances or other matters on which the board is required to act under the provisions of this zoning ordinance.

(6) Conduct inspections as required in this zoning ordinance and such other inspections as are necessary to insure compliance with the various other general provisions of this zoning ordinance. The building inspector shall posses the right to enter upon any premises for the purpose of making inspections of buildings or premises necessary to carry out his authorized duties. (1972 Code, § 11-802)

14-803. Building permits. It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, to commence the moving, alteration, or repair of any structure, or to commence the filling of land without a permit therefore, issued by the building inspector. If said excavation or construction is begun without a proper building permit the building permit fee shall be double or twice the original cost of the permit if legal compliance had been obtained as is required.

No building permit shall be issued by the building inspector except in conformity with the provisions of this zoning ordinance, unless there is received a written order from the board of zoning appeals in the form of an administrative review, special exception, or variance as provided by this zoning ordinance.

(1) Application. Application for a building permit shall be made in writing to the building inspector on forms provided for that purpose. All applications for building permits shall be accompanied by a plan or a plat in duplicate, drawn to scale, and showing the following:

(a) The actual shape, location, and dimensions of the lot to be built upon.

(b) The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of buildings or other structures already on the lot and the elevation of the building site.

(c) The existing and intended use of all such buildings or other structures.

(d) Location and design of off-street parking areas and off-street loading areas, and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this zoning ordinance are being observed.

(2) Site plan requirements. Site plans containing the information required for the particular use by this section must be submitted to the building inspector at the time of an application for a building permit. It is specifically anticipated that the approval process for one- and two-family detached houses

and individual mobile homes shall be administratively approved by the building inspector. All other uses shall only be approved in the manner set forth in § 14-803(2)(b), below.

(a) Site plans required for one- and two-family detached houses and individual mobile homes.

(i) The actual shape, location, and dimensions of the lot to be built upon.

(ii) The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of buildings or other structures already on the lot and the elevation of the building site.

(iii) The existing and intended use of all such buildings or other structures, upon it, including the number of dwelling units the building is intended to accommodate.

(iv) The size and location of all yards and open areas required by this zoning ordinance.

(v) The dimension and location of all public water and sewer lines from which the property is to be served.

(vi) The location and approximate dimension of all points of access to a public street or road.

(vii) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this zoning ordinance are being observed.

(viii) Where subsoil sewage disposal is anticipated, certification from the county health department approving the lot for such use.

(b) Site plans required for all other buildings and activities. This procedure is to be utilized for all buildings and activities, except those subject to the provisions of § 14-803(2)(a). Unless otherwise specified, the reviewing agency shall be the Manchester Planning Commission. Proposals for planned developments and mobile home parks shall follow separate provisions outlined elsewhere in this zoning ordinance, but such proposals shall also be reviewed by the planning commission.

The following information shall be included in the site plan:

(i) General location sketch map at a scale not smaller than 1"=2,000', showing:

(A) The approximate boundaries of the site.

(B) External (public access streets or roads in relation to the site).

(C) Surrounding development (i.e., general residential, commercial, and industrial areas) within the general vicinity of the site.

(D) Any public water and sewer systems in relation to site.y

(ii) Site plan drawn at a scale no smaller than 1"=200', showing:

(A) The actual shape, location, and dimensions of the lot.

(B) The shape, size, and location of all buildings or other structures already on the lot.

(C) The existing and intended use of the lot and of such structures upon it, including, for residential activities, the number of dwelling units the buildings are intended to accommodate.

(D) Topographic features, both existing and proposed, with contours at a vertical, interval no greater than five (5) feet.

(E) Location of all driveways and entrances.

(F) Location of all accessory off-street parking areas to include a plan showing design and layout of such parking facilities where five (5) or more accessory off-street parking spaces are to be provided. (Dimensions shall be shown.)

(G) Location of all accessary off-street loading berths.

(H) Location of open space.

(I) Proposed ground coverage, floor area, and building heights.

(J) Position of fences and walls to be utilized for screening (materials specified).

(K) Position of screen planting (type of planting specified).

(L) Proposed means of surface drainage, including all drainage ways and facilities.

(M) Location of all easements and rights-of-way.

(N) Location of areas subject to flooding.

(O) Location and size of all utilities, including all fire hydrants.

(P) Location, type, and size of proposed signs.

(iii) The planning commission as the reviewing body may:

(A) Recommend approval of the plan as submitted to the building inspector.

(B) Recommend disapproval of the plan.

(C) Recommend approval of the plan with conditions or recommendations for alterations.

If no "actual construction" has begun in the development within two (2) years from the date of approval of the site plan, said approval of the site plan shall lapse and be of no further effect.

(iv) Additional requirements for commercial and industrial buildings.

(A) Applicability. These additional requirements apply to all new construction, including additions, requiring the issuance of a building permit in all commercial and industrial zoning districts being used as such (except the historical zoning overlay district and inside the Manchester Industrial Park) shall comply with this section.

(B) Plan required. In addition to the site plan described above, an architectural plan is required. It must include scale architectural drawings of the building elevations for all sides of a structure(s) that face a public street or right-of-way or adjacent properties zoned for residential use with materials identified for walls, roofs, trim and windows. The drawings should be of sufficient detail to explain the type of proposed exterior finishes. Material samples may be required if deemed necessary in the review process.

(C) Approval process. In addition to the site plan, the architectural plan must be submitted and must be approved by the planning commission. The planning commission may approve, approve with conditions or disapprove any application.

(D) Exterior materials required. Exterior construction must be of the following building materials which shall be applied to all sides of a structure(s) that face a public street or right-of-way or adjacent properties zoned for residential use. The side of a structure includes all visible vertical surfaces including foundation, walls, fascias, parapets and mansards.

(1) The following materials are acceptable:

(a) Brick

(b) Split face block, provided it is tinted or painted

(c) Wood

(d) Glass

(e) Stone

(f) Tile

(g) Marble

(h) Fiber cement siding

(i) Stucco, E.I.F.S. or similar material

(j) Manufactured pre-cast and tilt-up concrete panels

(k) Similar materials with the approval of the planning commission.

(2) All other materials are prohibited, including the following:

(a) Standard concrete block

(b) Vinyl or aluminum siding

(c) Exposed or corrugated metal siding and panels

(d) Fiberglass siding

(e) Any other material not specifically listed as an acceptable material or approved by the planning commission.

(3) The planning commission may approve the use of prohibited building materials when being placed on additions to existing structures to maintain continuity.

(E) Mechanical and similar equipment. Mechanical and similar equipment on roofs or sides of buildings and structures, such as air conditioner units, exhaust fans, vents, satellite dishes and similar devices shall be screened fully from view from ground level.

(3) Fee. The Manchester City Commission shall establish a schedule of fees and a collection procedure for building permits. The schedule of fees shall be posted in the office of the building inspector and city hall. Only the city commission may alter or amend the fee schedule. Until the appropriate fee has been paid in full, no action shall be taken on any application.

(4) Issuance of permit. If the proposed excavation, construction, moving, or alteration as set forth in the application is in conformity with the provisions of this zoning ordinance, the building inspector shall issue a building permit for such excavation or construction. If an application for a building permit is not approved, the building inspector shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as a waiving of any provisions of this zoning ordinance.

(5) Construction progress. Any building permit issued becomes invalid if work authorized is not commenced within six (6) months of the

date of issuance or if the work authorized by the permit is suspended or discontinued for a period of one (1) year. (1972 Code, § 11-803, as amended by Ord. #1480, Jan. 2016, Ord. #1496, Sept. 2016, and Ord. #1520, March 2017)

14-804. Temporary use permits. It shall be unlawful to commence construction or development of any use of a temporary nature unless a permit has been obtained from the city building inspector, as provided for in § 14-508, of this zoning ordinance. Application for a temporary use permit shall be made in writing to the building inspector on the form provided for that purpose. A schedule of fees shall be established by the Manchester City Commission. Such schedule shall be posted in the office of the building inspector and city hall. Until the appropriate fee has been paid in full, no action shall be taken on any application. (1972 Code, § 11-804)

14-805. Certificate of occupancy. No land or building or other structure or part thereof hereafter erected, moved, or altered in its use shall be used until the building inspector shall have issued a certificate of occupancy stating that such land, structure, or part thereof is found to be in conformity with the provisions of this zoning ordinance. Within three (3) days after notification that a building or premises or part thereof is ready for occupancy of use, it shall be the duty of the building inspector to make a final inspection thereof, and to issue a certificate of occupancy if the building or premises or part thereof is found to conform with provisions of this zoning ordinance, or, if such certificate is refused, to state the refusal in writing with the cause for such refusal. (1972 Code, § 11-805)

14-806. Board of zoning appeals. In accordance with, Tennessee Code Annotated, § 13-7-205, a Manchester Board of Zoning Appeals, consisting of all members of the Manchester Regional Planning Commission, is hereby established.

(1) Term of office of board members, removal, and vacancies. All members of the board of zoning appeals shall serve terms concurrent with their term as members. All members of the board of zoning appeals shall serve with such compensation as may be fixed by the city commission and may be removed from membership on the board of zoning appeals for continued absence or just causes. Any member being so removed shall be provided, upon his/her request, a public hearing upon the removal decision. Vacancies of said board of zoning appeals shall be filled for the unexpired term of those members whose position has become vacant in the manner provided herein for the appointment of such member.

(2) Procedure. Meetings of the board of zoning appeals shall be held at the call of the chairman, and at such other times as the board may determine.

Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall adopt rules of procedure and shall keep records and action taken thereon. The records and minutes shall be filed in the office of the building inspector and shall be of public records.

(3) Appeals to the board. An appeal to the Manchester Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved by, or by any governmental office, department, board, or bureau affected by, any decision of the building inspector based in whole or in part upon the provisions of this zoning ordinance. Such appeal shall be taken by filing with the board of zoning appeals a notice of appeal specifying the grounds thereof. The building inspector shall transmit to the board all papers constituting the record upon which the action appealed was taken.

The board shall fix a reasonable time for the hearing of the appeal, given public notice thereof, as well as due notice to the parties in interest, and decided the same within a reasonable time. Upon the hearing, any person or party may appear in person, by agent, or by attorney.

(4) Powers of the board. The board of zoning appeals shall have the following powers:

(a) Administrative review. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by the building inspector or other administrative official in the carrying out or enforcement of any provision of this zoning ordinance.

(b) Special exceptions. To hear and decide applications for special exceptions as specified in this zoning ordinance, hear requests for interpretation of the zoning map, and for decision on any special questions upon which the board of zoning appeals is authorized to pass.

(c) Variances. To hear and decide applications for variances from the terms of this zoning ordinance.

(5) Rules and regulations of the board. The board shall adopt rules for the conduct of its meetings. Such rules shall at the minimum require that:

(a) The presence of three (3) members of the board shall constitute a quorum and the concurring vote of at least three (3) members of the board shall be necessary to deny or grant any application before the board.

(b) No action shall be taken by the board on any case until after a public hearing and notice thereof. Said notice of public hearing shall be a legal notice published in a newspaper of general circulation in Coffee County at least ten (10) days before the hearing of an appeal. Appeals shall be considered and heard by the board within thirty (30) days after filing such appeal. If new information is uncovered regarding an action that could not have been reasonably presented in a public hearing before

the board, the board shall establish a date for the purpose of rehearing in accordance with the appropriate procedures herein.

(c) The board may call upon any other office or agency of the county government for information in the performance of its duties and it shall be the duty of such other agencies to render such information to the board as may be reasonably required.

(d) The planning commission shall be permitted to submit an advisory opinion on any matter before the board and such opinion shall be made part of the record of such public hearing.

(e) Any officer, agency, or department of the county or other agency, or department of the county or other aggrieved party may appeal any decision of the board to a court of competent jurisdiction as provided for by state law.

(f) Any decision made by the board on a special exception shall indicate the specific section of this zoning ordinance under which the permit is being considered and shall state clearly the specific conditions imposed in granting such permit.

(g) Appeals will be assigned for hearing in the order in which they appear on the calendar thereof, except that appeals may be advanced for hearing by order of the board, good, and sufficient cause being shown.

(h) At the public hearing of the case before the board, the appellant shall appear in his own behalf or be represented by counsel or agent. The appellant's side of the case shall be heard first and those in objection shall follow. To maintain orderly procedure, each side shall proceed without interruption from the other.

(6) Stay of proceedings. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the building inspector certifies to the board of zoning appeals, after such notice of appeal shall have been filed, that by reason of facts stated in the certificate such stay would cause eminent peril to life or property. In such instance, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board or by a court of competent jurisdiction on application, on notice to the building inspector, and on due cause shown.

(7) Liability of board members, building inspectors and employees. Any board member, building inspector, or other employee charged with the enforcement of this zoning ordinance, acting for the City of Manchester, within the scope of the responsibilities assigned him under this zoning ordinance shall not thereby render himself liable personally, and he is hereby relieved from all personal liability and shall be held harmless by the city of any damage that may occur to persons or property as the result of any act required or permitted in the proper discharge of their duties. Any suit brought against any board member, building

inspector, or employee charged with the enforcement of any provision of this zoning ordinance shall be defended by legal representatives furnished by the city, until the final termination of such proceedings.

(8) Right of entry upon land. Upon notice to property owners, the board, its members and employees in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this zoning ordinance.

(9) Rehearings. (a) No rehearing of the decision by the board shall be had except:

(i) On motion to reconsider the vote; or

(ii) On a written request for a hearing.

(b) If the motion to reconsider receives a majority affirmative vote, the board of zoning appeals may vote on the motion to grant the request for a rehearing, subject to such conditions as the board may, by resolution in each case, stipulate.

(c) No request to grant a rehearing will be entertained unless new evidence is submitted which could not reasonably be presented at the previous hearing.

If the request for a rehearing is granted, the case shall be put on the calendar for a rehearing. In all cases, the request for a rehearing shall be in writing, reciting the reasons for the request and shall be duly verified and accompanied by the necessary data and diagrams. The persons requesting the rehearing shall be notified to appear before the board on a date to be set by the board.

(d) No rehearing for a variance shall be granted and applicant found by a court of competent jurisdiction to be in willful violation of the express provisions of a prior variance granted under the authority of this chapter. (1972 Code, § 11-806)

14-807. Variances. The purpose of this variance is to modify the strict application of the specific requirements of this zoning ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property under this zoning ordinance.

(1) Application. After written denial of a permit, a property owner may make application for a variance, using any form which might be made available by the board of zoning appeals.

(2) Hearings. Upon receipt of an application and fee, the board shall hold a hearing to decide whether a variance to the zoning ordinance provisions is, in fact, necessary to relieve unnecessary hardships which act to deprive the

property owner of the reasonable use of his land. The board shall consider and decide all applications for variances within thirty (30) days of such hearing and in accordance with the standards provided below.

(3) Fee. A fee shall be charged to cover review and processing of each application for a variance, except that the fee shall be waived for a governmental agency.

(4) Standards for variances. The board shall not grant a variance, except where special circumstances or conditions, fully described in the findings of the board, do not apply generally in the district. The burden of showing that the variance should be granted shall be upon the person applying for the variance. In granting a variance, the board shall ascertain that the following criteria are met:

(a) The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this zoning ordinance were carried out must be stated.

(b) The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district.

(c) The granting of the variance requested will not confer on the applicant any special privilege that is denied by this zoning ordinance to other land structures, or buildings in the same district.

(d) Financial returns only shall not be considered as a basis for granting a variance.

(e) The variance is the minimum variance that will relieve such difficulties or hardship and thereby make possible the reasonable use of the land, building, or structure.

(f) The variance will not authorize activities otherwise excluded from the particular district in which requested.

(g) That the granting of the variance will not be detrimental to the public welfare, injurious to other property or improvements in the area in which the subject property is located, or a substantial impairment to the intent and purpose of the zoning district wherein such property is located or of the general provisions of this zoning ordinance.

(h) The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, endanger the public safety.

(i) That the alleged difficulty or hardship has not been knowingly and intentionally created by any person having an interest in the property after the effective date of this zoning ordinance.

(5) Restrictions and variances. (a) No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(b) Under no circumstances shall the board of appeals grant a variance to allow a "use" not permissible under the terms of this zoning ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this zoning ordinance in said district.

(c) The board may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the provisions set out in § 14-807(3) above, to reduce or minimize the injurious effect to such variation upon surrounding property and better carry out the general intent of this zoning ordinance. The board may establish expiration dates as a condition or as a part of any variances. (1972 Code, § 11-807, as amended by Ord. #826, Aug. 1998)

14-808. Procedure for authorizing special exceptions. The following procedure is established to provide procedures for review of a proposed use as a conditional use or special exception by the board of zoning appeals. The procedure shall be the same whether review is required under Tennessee Code Annotated, § 13-7-206, by this zoning ordinance, or whether a review is requested by the building inspector to determine whether a proposed use is potentially noxious, dangerous or offensive.

(1) Application. An application shall be filed with the board of zoning appeals for review. Said application shall show the location and intended uses of the site, the names of the property owners, existing land uses within two hundred (200) feet, and any other material pertinent to the request which the board may require.

(2) General requirements. A conditional use permit (a special exception) shall be granted provided the board finds that it:

(a) Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.

(b) Will not adversely affect other property in the area in which it is located.

(c) Is within the provision of "special exceptions" as set forth in this zoning ordinance.

(d) Conforms to all applicable provisions of this zoning ordinance for the district in which it is to be located as well as the provisions cited in § 14-808, necessary for public convenience in the location planned.

(3) Criteria for review. Prior to the issuance of a special exception, the board shall make written findings certifying compliance with the specific rules governing individual special exceptions § 14-808, and that satisfactory

provisions and arrangements have been made concerning all the following where applicable:

(a) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

(b) Off-street parking and loading areas where required, with particular attention to the items in item (a) above, and the economic, noise, vibrations, glare, or odor effects of the special exception on or by adjoining properties and properties generally in or near the district.

(c) Refuse and service areas, with particular reference to the items in (a) and (b), above.

(d) Utilities, with reference to locations, availability, and compatibility.

(e) Screening and buffering with reference to type, dimensions and character.

(f) Signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect, and compatibility and harmony with properties in the district.

(g) Required yard and other open space.

(h) General compatibility with adjacent properties and other property in the district.

(4) Restrictions. In the exercise of its approval, the board may impose such conditions upon the proposed uses of buildings or land as it may deem advisable in the furtherance of the general purposes of this zoning ordinance.

(5) Validity of plans. All approved plans, conditions, restrictions, and rules made a part of the approval of the board shall constitute certification on the part of applicant that the proposed use shall conform to such regulations at all times.

(6) Time limit. All applications reviewed by the board shall be decided within sixty (60) days of the date of application, and the applicant shall be provided with either a written notice of approval or denial.

(7) Special exceptions appeals. Any person or agency of the county government may appeal to a court of competent jurisdiction from the board's decision as provided under statutes of the State of Tennessee. The judgement and findings of the board on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this chapter shall be final, and subject to review only for illegality or want of jurisdiction. A fee of twenty-five dollars ($25.00) shall be charged to cover review and processing of each application for a special exception.

(8) Specific standards for residential activities. A special exception shall not be granted for the residential activities specified below unless the

standards established there are met as a part of the conditions for issuing such permit in the applicable zone districts.

(a) Special conditions for multi-family dwelling and mobile home park activities. In addition to the standards contained elsewhere in this zoning ordinance for these type developments, the board of appeals shall specifically find that there will be no adverse impact upon adjoining properties or the neighborhood in which such use is proposed. In making this finding, the board shall consider the effect upon traffic congestion, overcrowding of schools availability of necessary public utilities, and character of adjoining, structures, and suitability of the site for the use and such other factors as the board may deem necessary.

(b) Special conditions for rooming houses, boarding houses and bed and breakfast inns.

(i) No exterior alterations, other than those necessary to ensure safety of the structure shall be made.

(ii) There must be at least three hundred (300) square feet of gross floor area for each rental unit and not use more than fifty (50) percent of the floor area of the principal residence.

(iii) There shall be no more than eight (8) guest rooms available for rental.

(iv) Each guest room will require a minimum of one (1) parking space for each room exclusive of the parking required for the residential use. All parking area must be in a side or rear yard when feasible.

(v) The owner of the inn is required to reside in the principal structure.

(vi) No food preparation for persons other than guests shall be prepared on premises and no rented rooms shall contain cooking facilities.

(vii) Each establishment shall be limited to one (1) street graphic, no more than three (3) square feet and four (4) feet in height.

(viii) All rental rooms shall have available sanitary facilities in compliance with all local health laws and are subject to inspection by local health officials.

(ix) Construction performed on guest rooms must be in compliance with the provisions set forth by local fire codes and are subject to inspection by the fire marshall.

(9) Specific standards for community facility activities. In addition to the requirements of the applicable district and the general requirements set forth above, a special exception shall be granted for the community facility activities specified below only when the standards established are met as part of the condition for issuing the permit in the applicable zoning district.

(a) Special conditions for administrative services. (i) There must be a demonstrated need for such activities to serve the neighborhood or the total community.

(ii) All lot, yard, and bulk regulations of the zone district shall apply.

(iii) Appropriate off-street parking requirements shall apply.

(iv) Fencing, screening, and landscaping shall be provided as appropriate to protect surrounding properties and reduce any potential adverse impact.

(v) The site and architectural plans shall be approved by the planning commission.

(b) Day care centers. For purposes of this zoning ordinance day care facilities are classified into two types as defined below:

"Day care home" includes day care in an occupied residence of not more than seven (7) children including children living in the home.

"Day care center" includes day care for more than seven (7) preteenage children in any kind of building.

(i) Day care home. The required lot size, yard, and bulk regulations of the district shall apply. No variances shall be permitted for lots on which such use is to be located.

All public utilities and sanitary sewers shall be available and connected to the site unless the site is over one (1) acre in size. The fire department shall approve the facility for safety.

All requirements of the State of Tennessee that pertain to the use shall be met.

An outdoor play area of at least two hundred (200) square feet per child in size shall be available and shall be fenced.

The facility shall be located so as to be compatible with the surrounding area and provide safety to those using the facility.

Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area.

(ii) Day care center. (A) No such facility shall be permitted on a zone lot unless it contains a minimum of forty thousand (40,000) square feet.

(B) All bulk and setback regulations of the district shall be met.

(C) One (1) accessory off-street parking space for each five (5) children accommodated in the child care facility shall be provided.

(D) Special passenger loading and unloading facilities shall be provided on the same zone lot for vehicles to pick-up or deliver passengers. Such facilities shall

provide for driveways that do not require any back-up movements by vehicles to enter or exit the zone lot.

(E) All regulations of the State of Tennessee that pertain to the use shall be met.

(F) The facility, shall be located so as to be compatible with the surrounding area and provide safety to those using such facility.

(G) Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area.

(H) The site and architectural plans of such a facility shall be approved by the planning commission taking into account the above conditions as well as any other pertinent factors.

(c) Special conditions for all other personal and group care activities.

(i) No such facility shall be permitted on a zone lot unless it contains a minimum of one (1) acre.

(ii) All bulk regulations of the district shall be met.

(iii) The requirements of the accessory off-street parking regulations of this zoning ordinance shall apply.

(iv) All regulations of the State of Tennessee shall be met.

(v) All public utilities and sewage disposal shall be available and connected to the site, and the site and architectural plans for such a facility be approved by the planning commission taking into account the above conditions as well as any other pertinent factors.

(d) Special conditions for community assembly. (i) No such facilities shall be permitted on a lot unless it contains one (1) acre provided, however, that it such community assembly includes outdoor activities, the minimum lot area shall be four (4) acres.

(ii) All bulk regulations of the zone district shall apply.

(iii) Off-street parking. (A) For nonprofit clubs, lodges, meeting halls and recreation centers, one (1) space for each four (4) seats in an assembly area within the facility, or one (1) space for each seventy-five (75) square feet of gross floor area, whichever is greater, shall be provided.

(B) For temporary nonprofit festivals, the required number of off-street parking spaces shall be determined by the board, taking into account the traffic generation of such facility, the hours of other such factors as affect the need for off-street parking.

(iv) Except for temporary nonprofit festivals fencing, screening and landscaping shall be provided as appropriate for such facility, except that no landscaped screen shall be located closer than fifteen (15) feet of any vehicular entrance or exit to the property.

(v) The location and operation of such community assembly facility shall be in keeping with the character of the surrounding area and shall not adversely affect the properties within the surrounding area.

(vi) All public utilities and sewage disposal shall be available and connected to the site.

Except for temporary nonprofit festivals, the site and/or architectural plans shall first be approved by the planning commission taking into account the above conditions.

(e) Special conditions for cultural and recreational services.

(i) No such activity shall be permitted on a zone lot unless it contains twice the lot area requirements of the district.

(ii) All bulk regulations of the district shall apply.

(iii) The off-street parking requirements of this zoning ordinance shall apply.

(iv) Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area and shall not have an adverse affect an properties within the surrounding area.

(v) The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse affect on properties within the surrounding area.

(vi) The site and architectural plans shall first be approved by the planning commission taking into account the above conditions.

(f) Special conditions for community education. (i) No such facilities shall be permitted on a zone lot unless such lot contains the acreage recommended for such facilities by the appropriate state agency.

(ii) The traffic generated by such facility shall be safely accommodated along the streets which will provide access to the site.

(iii) The location and design of such facilities shall not have an adverse effect upon surrounding properties.

(iv) The off-street parking requirements of this zoning ordinance shall apply.

(g) Special conditions for health care. (i) Minimum lot area.

(A) No health clinic shall be permitted on a zone lot unless it contains twice the lot area requirements of the district.

(B) No hospitals, or centers for observation or rehabilitation shall be permitted on a zone lot unless it contains a minimum of five (5) acres.

(ii) The minimum side and rear yards for hospitals and centers for observation or rehabilitation shall be fifty (50) feet for a one (1) or two (2) story building, increased by five (5) feet for each story above two (2).

(iii) All other regulations of the district shall apply.

(iv) There shall be provided along the entire site boundaries fencing, screening, and landscaping as appropriate to protect the surrounding residential area.

(v) The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse effect on the properties in the surrounding area.

(vi) All public utilities and sewage disposal shall be available and connected to the site.

(vii) The site and/or architectural plans shall first be approved by the planning commission taking into account the above conditions.

(viii) The following activity classes and types may be permitted accessory to the health care activities provided they appropriately complement the health care activity, will not impose an adverse impact an the surrounding land use, and be subject to all other provisions of the zoning district;

(A) Community facility activities.

(B) Commercial activities.

Convenience sales and services
Automotive parking
Food service
Medical service

(h) Special conditions for intermediate and extensive impact.

(i) The location, size, and design of such facilities shall be such that the proposed development shall be compatible with the development within the surrounding area, thus reducing the impact upon the surrounding area.

(ii) The traffic generated by such facility shall be safely accommodated along major arterials or collectors without traversing local minor streets.

(iii) The proposed facility shall provide a basic community function or essential service necessary for a convenient and

functional living environment in order to be located on the proposed site.

(iv) The off-street parking requirements shall be determined by the board taking into account characteristics of the use.

(v) The site plan for such facilities shall be approved by the planning commission taking into account the above conditions as well as any other pertinent factors related to the use and operation of such facility.

(i) Special conditions for essential public transport, communication, and utility services.

(i) The location of such facility shall be within an area in order to provide the most efficient service to the community.

(ii) All of the bulk regulations of the zone district shall apply.

(iii) The location of such facility shall not materially increase traffic on surrounding streets.

(iv) The location of such a facility shall not have an adverse effect on surrounding properties.

(v) There shall be provided along the entire site boundaries fencing, screening, and landscaping, as appropriate to protect the surrounding residential area.

(vi) The site plan for such facility is first approved by the planning commission taking into account the above conditions as well as any other pertinent factors.

(j) Special conditions for religious facilities. (i) No such facilities shall be permitted on a zone lot unless it contains one (1) acre.

(ii) The location, size, and design of such facilities shall be situated so that the proposed facility shall be compatible with the development within the surrounding area thus reducing the impact upon such area.

(iii) All bulk regulations of the district shall be met.

(iv) The off-street parking requirements of this zoning ordinance shall apply.

(10) Specific standards for commercial activities. A special exception shall not be granted for the commercial activities specified below unless the standards established therein are met as a part of the conditions for issuing such permit in the applicable districts.

(a) Special conditions for group assembly activities.

(i) The location, size, and design of such facilities shall be situated so that the proposed development shall be compatible

with the development within the surrounding area thus reducing the impact upon the surrounding area.

(ii) The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets.

(iii) The off-street parking requirements shall be based on the type of use and the needs of the use to adequately accommodate the expected groups of people.

(iv) The site plan for such facilities shall be approved by the planning commission taking into account the above conditions as well as any other pertinent factors related to the use and operation of such facilities.

(v) When an application for a group assembly permit includes amusement parks, sports arenas, fairgrounds, racetracks, and similar recreational pursuits, the following requirements shall be observed.

(A) The minimum size site shall be twenty-five (25) acres.

(B) The minimum setbacks of all structures from all public roads shall be one hundred (100) feet.

(C) Such facility shall be situated so that no residential use is located closer than five hundred (500) feet from building entrance of the principal use at the time of approval.

(D) Access to such facility shall be by a paved road and such road shall be either a major arterial or major collector. Traffic shall not be directed through residential subdivisions or on minor residential streets.

(E) Off-street parking shall be provided at a minimum of one (1) space for each four (4) patrons or seats. For those facilities which are not utilized on a regular and frequent basis, parking may be provided on adjacent parcels of land provided further that any parcel so used is located no more than five hundred (500) feet from the lot boundary.

(F) Any lighting provided at such facilities shall be designed so that no direct light falls on adjacent residential property.

(G) Accessory uses may be permitted in conjunction with the principal use of the property provided that such uses are physically designed as a part of or within the principal structure. Such uses may include food sales, beverage sales, gift or souvenir shops, and similar activities.

(H) Accessory structures may be permitted which are incidental and subordinate to the principal structure. Such structure may not be located within any required setback or buffer area.

(vi) When an application for a group assembly permit includes a private campground, the following standards shall be met:

(A) Such campground shall have on site management.

(B) The campground may include convenience commercial establishments such as camp stores, laundry facilities, and personal services; provided that such convenience establishments are subordinate to the recreational character of the campground; are located, designed and intended to serve exclusively the patrons staying in the campground; and such establishment and their parking areas shall not occupy more than ten (10) percent of the area of the parking or one (1) acre whichever is smaller.

(C) Such campground shall meet the following standards:

Minimum size - Ten (10) acres.

Maximum density - Ten (10) campsites per gross acre.

Sanitary facilities, including flush toilets and showers-Within three hundred (300) feet walking distance of each campsite.

Dump station for travel trailers.

Potable water supply - One (1) spigot for each four (4) campsites.

Trash receptacle - One (1) for each two (2) campsites.

Parking - One (1) space per campsite.

Picnic table - One (1) per campsite.

Fireplace or grill - One (1) per campsite.

Administration or safety building - Open at all times wherein a portable fire extinguisher in operable condition and first aid kit is available, and a telephone is available for public use.

(D) Such campground shall meet the following design requirements:

Vegetation screen or ornamental fence which will substantially screen the campsites from view of public right-of-way and neighboring properties shall be provided around or near the perimeter or that part of the

campground containing campsites. Such vegetation or fence shall be maintained in good condition at all times.

Each campground shall reserve at least twenty-five (25) percent of its total area as natural open space excluding perimeter screening. Such open space may include recreation and water areas, but may not include utility areas, administration building, commercial areas, or similar activities.

Each campsite shall have a minimum setback of twenty-five (25) feet from any public road of fifty (50) feet.

Each separate campsite shall contain a minimum of thirty-two hundred (3,200) square feet. (A campsite shall be considered to consist of trailer or tent space, parking space, picnic table, fireplace, and one-half (1/2) the roadway providing access.)

Each campsite shall be directly accessible by an interior road.

All interior roads shall be a minimum of ten (10) feet wide for one (1) way traffic and eighteen (18) feet wide for two-way traffic.

All interior roads shall meet the following curve requirements:

Minimum radius for a 90 degree turn - 40 feet

Minimum radius for a 60 decree turn - 50 feet

Minimum radius for a 45 degree turn - 68 feet

No camping vehicle or camping equipment shall be used for human habitation for a period exceeding thirty (30) consecutive days.

(b) Special conditions for adult entertainment business. (i) No establishment shall be located within fourteen hundred (1,400) feet (measured property line to property line) of any church, school ground, college campus or park.

(ii) All establishments shall be located at least seven hundred fifty (750) feet (measured property line to property line) from any other adult entertainment business.

(iii) No establishment shall be located within one thousand (1,000) feet (measured property line to property line) from any residential zoned property.

(iv) Be in compliance with all sections of Tennessee Code Annotated, §§ 7-51-1101 through 7-51-1121.

(11) Specific standards for agricultural and extractive activities. A special exception permit shall not be granted for the agricultural and extractive

activity specified below unless the standards established therein are met as a part of the conditions for issuing such permit in the applicable zone districts.

(a) Special conditions for mining and quarrying activities.

(i) The location of such an activity shall be in an area sparsely developed during the length of time the mining or quarrying activity is anticipated.

(ii) Any permit issued hereunder shall be based on a site plan or other documents submitted with an application which shall provide for the following:

(A) Existing contours of the site and up to one hundred (100) feet beyond the site boundary. Contour intervals shall be at two (2) foot intervals.

(B) Location of the area in which the proposed quarrying activity is to be conducted.

(C) Location of all proposed buildings, crusher and screening equipment, roadways and other facilities proposed on the site.

(D) Proposed method of drainage of the quarry area.

(E) Proposed fencing of the quarry area. Fencing shall be provided around all open excavations.

(F) Methods proposed for blasting. Open blasting commonly referred to as "pop shots" shall be prohibited.

(G) Methods proposed to control noise, vibration and other particulate matter.

(H) Finished contours of the site after the quarrying operation has been terminated. The site shall be graded and/or filled so as to be in substantial conformity with the topography of the surrounding lands. All fill material shall be nontoxic, nonflammable, and noncombustible solids. All areas that are backed-filled shall be left so that adequate drainage is provided.

(iii) Approval for mining and quarrying activity may also include accessory concrete batching plants, asphaltic cement mixing plants and/or rock crushing activities on the same zone lot or adjoining zone lots which may have directly opposing frontages on the same public street. If such accessory activities are included on the quarry site, the total site must meet all the special condition requirements for mining and quarrying activities; however, in conditions of multiple zone lots, the outer perimeter of the site shall be considered the lot line.

(iv) Before issuing a permit the board shall require the owner of the quarry facility to execute a bond in an amount to be

determined by the planning commission per acre of active quarry throughout a five (5) year period to restore the lands in the manner prescribed herein, including the removal of all structures and machinery.

(v) Any permit issued hereunder shall not be for a period exceeding five (5) years. After the expiration date of such special permit, the board may review and grant an extension of time in the manner and procedure as prescribed for an original application.

(vi) The site plan is first approved by the planning commission taking into account the above conditions as well as any other factors related to the use and operation of such facilities.

(b) Special conditions for commercial storage of explosives.

(i) The location of such an activity is in an area likely to be sparsely developed for reason of topography, lack of existing or planned utilities, accessibility or for similar cause.

(ii) Such facility shall not be located on a site having an area of less than fifty (50) acres.

(iii) All regulations of the state fire marshall relating to the storage of explosives shall be met.

(iv) Any special permit issued hereunder shall be for a period not exceeding five (5) years. After the expiration date of such special permit, the board may review and grant an extension of time in the same manner and procedure as prescribed for an original application.

(v) The site plan is first approved by the planning commission taking into account the above conditions as well as any other factors related to the use of such facilities.

(12) Specific standards for intermediate manufacturing activities.

(a) Specific standards for intermediate manufacturing activities. A special exception permit shall not be granted unless the standards below are met:

(i) The activity takes place in completely enclosed buildings with no outdoor storage of materials or finished products.

(ii) Access for heavy trucks and employees is from a major thoroughfare or industrial access road from a major thoroughfare with residential streets unaffected.

(b) Specific standards for extensive manufacturing activities. A special exception shall not be granted unless the standards below are met:

(i) No such facility shall be located on a lot unless such lot contains at least one (1) acre.

(ii) Access for heavy trucks and employees is from a major thoroughfare or industrial access road from a major thoroughfare with residential streets unaffected.

(iii) State permits for air pollution standards, ground water and emissions must be obtained and kept up-to-date.

(iv) The site plan is first approved by the planning commission taking into account factors related to the use and operation of the facility. (1972 Code, § 11-808, as amended by Ord. #816, May 1998, and Ord. #873, March 2000)

14-809. Amendments to the resolution. The regulations, restrictions, and boundaries set forth in this zoning ordinance may from time to time be amended, supplemented, changed, or repealed by the Manchester Commission. Any member of the city commission may introduce such legislation, or any official, board, or any other person may present a petition to the city commission requesting an amendment or amendments to this zoning ordinance.

No amendment to this zoning ordinance shall become effective unless it is first submitted to the Manchester Regional Planning Commission for review and recommendation. The planning commission shall have sixty (60) days within which to submit its recommendation to the city commission. If the planning commission disapproves the amendment, it shall require the favorable vote of a majority of the city commission to become effective. If the planning commission fails to submit a report within the sixty (60) day period, it shall be deemed to have approved the proposed amendment.

No change or departure from the text or maps as certified by the planning commission shall be made, unless such change or departure be first submitted to the planning commission and approved by it, or, if disapproved, received the favorable vote of a majority of the entire membership of the city commission.

Before finally adopting any such amendment, the city commission shall hold a public hearing thereon, at least fifteen (15) days' notice of the time and place of which shall be given by at least one (1) publication in a newspaper of general circulation in the county; and any such amendment shall be published at least once in the official newspaper of the city or in a newspaper of general circulation in the city.

A fee of two hundred dollars ($200.00) due and payable at the time of filing of petition shall be posted with requests to amend a provision or provisions of this zoning ordinance. The fee is to be used by Manchester to defray costs resulting from such petition and any subsequent amendment of the zoning ordinance.

(1) Application for rezoning. A proposed change of zoning district boundaries shall be initiated by the filings of an application with the Manchester Planning Commission. Said application shall contain:

(a) The name and address of the owner and/or owners of the subject property and the written certification of the authorized agent.

(b) A written legal description of the subject property including the Coffee County tax plat number and acreage.

(c) A description of the proposed zone change, modification or repeal together with written justifications for the requested zone change.

(d) The names and addresses of the adjacent property owners including those property owners across streets, roads, highways, and/or railways, and waterways which border the applicant's property.

(e) Two (2) copies of a map depicting the property requested for rezoning. These maps shall be at a scale of no less than 1"=100' and no larger than 1"=30' and show the following information:

(i) Title, north arrow, graphic scale, date, civil district, and the acreage of the property to be rezoned.

(ii) Dimensions in feet of property to be rezoned.

(iii) All roads and easements within or adjoining property to be rezoned.

(iv) Location, size, type and current use of any building on the property requested for rezoning.

(v) Location of the adjoining property owners in relation to the property to be rezoned.

(2) Signage required on property being considered for rezoning. When an application for rezoning has been filed with the Manchester Planning Commission, the health and codes administrator shall place a sign on the property which is at least twenty-four by eighteen inches (24" x 18") in size and clearly visible from the street right-of-way to notify the public of the rezoning application.

The sign shall be in place at least ten (10) days before the rezoning application is considered by the planning commission and shall remain on the property as long as the rezoning is being considered either by the Manchester Planning Commission or the board of mayor and aldermen.

The applicant shall cause the corners of the property to be clearly staked and flagged while the sign is in place. (1972 Code, § 11-809 and § 11-809.1, as amended by Ord. #750, Dec. 1995; Ord. #826, Aug. 1998; Ord. #1126, Nov. 2005, and Ord. #1676, Jan. 2023 ***Ch22_04-04-23***)

14-810. Zoning and subdivision fees. These zoning and subdivision fees must be paid to the City of Manchester at the time the following services are requested:

Amendment to official zoning map	$200.00
Amendment to zoning ordinance	$200.00
Site plan (per plan)	$200.00
Preliminary plat (per lot)	$ 15.00

Final plat (per lot)	$ 10.00
Construction plans (sub set)	$400.00
Request for variance	$100.00
Temporary use permit	$100.00
Special exception	$100.00

(Ord. #826, Aug. 1998, as replaced by Ord. #925, April 2001, and Ord. #1127, Nov. 2005)

14-811. Penalties. Any persons violating any provisions of this zoning ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars ($5.00) nor more than fifty dollars ($50.00) for each offense. Each day such violations continue shall constitute a separate offense. (1972 Code, § 11-810)

14-812. Remedies. In case any building or other structure is erected, constructed, altered, repaired, converted, or maintained, or any building, structure, or land is used, in violation of this zoning ordinance, the building inspector or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, may institute an injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land. (1972 Code, § 11-811)

14-813. Validity. Should any section, clause, or provision of this zoning ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, this judgement shall not affect the validity of this zoning ordinance as a whole or any other part of this zoning ordinance be judged invalid or unconstitutional. (1972 Code, § 11-812)

14-814. Interpretation. Whenever the conditions of this zoning ordinance are less restrictive than comparable conditions imposed by any other provision of this zoning ordinance or any other regulation, the provisions which are more restrictive shall govern. (1972 Code, § 11-813)

14-815. Effective date. This zoning ordinance shall take effect from and after the effective date of its passage and publication as required by law, the public welfare requiring it. (1972 Code, § 11-814)

CHAPTER 9

[this chapter was repealed by Ord. #1527, May 2017]

CHAPTER 10

MUNICIPAL FLOODPLAIN ZONING ORDINANCE

SECTION

14-1001. Statutory authorization.
14-1002. Definitions.
14-1003. General provisions.
14-1004. Administration.
14-1005. Provisions for flood hazard reduction.
14-1006. Variance procedures.
14-1007. Legal status provisions.

14-1001. 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 Manchester, Tennessee, Mayor and the Board of Aldermen, do ordain as follows:

(1) Findings of fact.

(a) The City of Manchester, Tennessee, Mayor and its Board of Aldermen 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 Manchester, 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.

(2) Statement of purpose. It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. This ordinance is designed to:

(a) Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;

(b) Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;

(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

(d) Control filling, grading, dredging and other development which may increase flood damage or erosion;

(e) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(3) Objectives. The objectives of this ordinance are:

(a) To protect human life, health, safety and property;

(b) To minimize expenditure of public funds for costly flood control projects;

(c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) To minimize prolonged business interruptions;

(e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodprone areas;

(f) To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas;

(g) To ensure that potential homebuyers are notified that property is in a floodprone area;

(h) To maintain eligibility for participation in the NFIP. (as added by Ord. #1196, April 2008, and replaced by Ord. #1589, June 2020 ***Ch21_07-05-22***)

14-1002. Definitions. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted as to give them the meaning they have in common usage and to give this ordinance its most reasonable application given its stated purpose and objectives.

(1) "Accessory structure" means a subordinate structure to the principal structure on the same lot and, for the purpose of this ordinance, 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 ordinance or a request for a variance.

(5) "Area of shallow flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent (1%) or greater annual chance of flooding to an average depth of one to three feet 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 (1%) 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 ordinance which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this ordinance.

(17) "Existing construction" means any structure for which the "start of construction" commenced before the effective date of the 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 wails 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 Manchester, 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 ordinance.

(42) "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

(43) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two 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 ordinance, 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 ordinance 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 ordinance 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 floodwaters 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 ordinance, 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 repairs, reconstruction, rehabilitation, addition, alteration or other improvements of a structure, taking place during a five (5) year period, in which cumulative costs 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

(a) The appraised value of the structure prior to the start of the initial improvement, or

(b) In the case of substantial damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that

alteration affects the external dimensions of the building. The term does not, however, include either:

(i) 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;

(ii) 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 ordinance.

(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 ordinance 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. #1196, April 2008, and replaced by Ord. #1589, June 2020 ***Ch21_07-05-22***)

14-1003. General provisions. (1) Application. This ordinance shall apply to all areas within the incorporated area of the City of Manchester, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the City of Manchester, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) dated May 15, 2020 and Flood Insurance Rate Map (FIRM), Community 470035, Panel Numbers 47031C0192C, 47031C0203C, 47031C0204C, 47031C0206C, 47031C0208C, 47031C0211C and 47031C0212C dated August 4, 2008, and 47031C0113D, 47031C0114D, 47031C0201D, and 47031C0202D dated May 15, 2020, along with all supporting technical data, are adopted by reference and declared to be a part of this ordinance.

(3) Requirement for development permit. A development permit shall be required in conformity with this ordinance prior to the commencement of any development activities.

(4) Compliance. No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

(5) Abrogation and greater restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this ordinance conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

(6) Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

(a) Considered as minimum requirements;

(b) Liberally construed in favor of the governing body and;

(c) Deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

(7) Warning and disclaimer of liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Manchester, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

(8) Penalties for violation. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. 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 Manchester, Tennessee from taking such other lawful actions to prevent or remedy any violation. (as added by Ord. #1196, April 2008, and replaced by Ord. #1589, June 2020 ***Ch21_07-05-22***)

14-1004. Administration. (1) Designation of ordinance administrator. The codes/safety director is hereby appointed as the administrator to implement the provisions of this ordinance.

(2) Permit procedures. Application for a development permit shall be made to the administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

(a) Application stage.

(i) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this ordinance.

(ii) Elevation in relation to mean sea level to which any non-residential building will be floodproofed where 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 § 14-1005.

(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 Ordinance 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 communities and the Tennessee Emergency Management Agency, state NFIP office, 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 FIRMs 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 § 14-1004(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 Article IV, Section B.

(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 § 14-1004(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 ordinance.

(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 on the Manchester, Tennessee FIRM meet the requirements of this ordinance.

(k) Maintain all records pertaining to the provisions of this ordinance in the office of the administrator and shall be open for public inspection. Permits issued under the provisions of this ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files. (as added by Ord. #1196, April 2008, and replaced by Ord. #1589, June 2020 ***Ch21_07-05-22***)

14-1005. <u>Provisions for flood hazard reduction</u>. (1) <u>General standards</u>. 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 floodwaters into the system;

(g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters;

(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 ordinance, shall meet the requirements of "new construction" as contained in this Ordinance;

(j) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this ordinance, shall be undertaken only if said non-conformity is not further extended or replaced.

(2) Specific standards. In all areas of special flood hazard, the following provisions, in addition to those set forth in § 14-1005(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: § 14-1005(2)(c).

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 § 14-1002). 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: § 14-1005(2)(c).

(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: § 14-1005(2)(c).

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 § 14-1002). 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: § 14-1005(2)(c).

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 § 14-1004(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 floodwaters 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 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 § 14-1005(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 § 14-1002).

(iii) Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of § 14-1005(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 as defined in § 14-1005(5)).

(3) Standards for areas of special flood hazard with established base flood elevations and with floodways designated. Located within the areas of special flood hazard established in § 14-1003(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 Manchester, Tennessee and certification, thereof.

(b) New construction or substantial improvements of buildings shall comply with all applicable flood hazard reduction provisions of § 14-1005(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 areas of special flood hazard established in § 14-1003(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 or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with § 14-1005(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 § 14-1003(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 § 14-1005(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 § 14-1002). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-1004(2). Openings sufficient to facilitate automatic equalization of

hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of § 14-1005(1) and (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 foot (1') at any point within the City of Manchester, 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 § 14-1005(1) and (2). Within approximate A Zones, require that those subsections of § 14-1005(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 special flood hazard areas established in § 14-1003(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 § 14-1005(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 as many feet as the depth number specified on the FIRMs, 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 (3) feet 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 § 14-1005(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 ordinance and shall provide such certification to the administrator as set forth above and as required in accordance with § 14-1004(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 14-1003(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 § 14-1004 and § 14-1005 shall apply.

(8) Standards for unmapped streams. Located within the City of Manchester, 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 § 14-1004 and § 14-1005. (as added by Ord. #1196, April 2008, and replaced by Ord. #1589, June 2020 ***Ch21_07-05-22***)

14-1006. Variance procedures. (1) Municipal board of zoning appeals.

(a) Authority. The City of Manchester, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(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 shall be open to the public. The municipal board of zoning appeals shall adopt rules of

procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the municipal board of zoning appeals shall be set by the board of aldermen.

(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 ordinance. Such appeal shall be taken by filing with the municipal board of zoning appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of one hundred dollars ($100.00) dollars for the cost of publishing a notice of such hearings shall be paid by the appellant. The administrator shall transmit to the municipal board of zoning appeals all papers constituting the record upon which the appeal action was taken. The municipal board of zoning appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than sixty (60) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

(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 ordinance.

(ii) Variance procedures. In the case of a request for a variance the following shall apply:

(A) The City of Manchester, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(B) Variances may be issued for the repair or rehabilitation of historic structures 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 Ordinance to preserve the historic character and design of the structure.

(C) 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 ordinance, and:

(1) The danger that materials may be swept onto other property to the injury of others;

(2) The danger to life and property due to flooding or erosion;

(3) The susceptibility of the proposed facility and its contents to flood damage;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;

(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(8) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(9) 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;

(10) 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.

(D) Upon consideration of the factors listed above, and the purposes of this ordinance, 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 ordinance.

(E) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(2) Conditions for variances. (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in § 14-1004(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 (as high as twenty-five dollars ($25.00) for one hundred dollars ($100.00) coverage, and that such construction below the base flood elevation increases risks to life and property.

(d) The administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request. (as added by Ord. #1196, April 2008, and replaced by Ord. #1589, June 2020 ***Ch21_07-05-22***)

14-1007. Legal status provisions. (1) Conflict with other ordinances. In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the City of Manchester, 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 ordinance which is not of itself invalid or unconstitutional. (as added by Ord. #1589, June 2020 ***Ch21_07-05-22***)

CHAPTER 11

PLANNED UNIT DEVELOPMENTS

SECTION

14-1101. Purpose.
14-1102. General provisions.
14-1103. Administrative procedure.
14-1104. Residential planned unit developments.
14-1105. Commercial planned unit developments.
14-1106. Schedule of permit fees for planned unit developments.

14-1101. Purpose. Planned Unit Development (PUD) districts are designed:

(1) To promote flexibility in design and permit planned diversification in the location of structures;

(2) To promote efficient use of land that will facilitate a more economic arrangement of buildings, circulation systems, land use, and utilities;

(3) To preserve, as much as possible, existing landscape features and utilize them in a harmonious fashion;

(4) To encourage the total planning of tracts of land; and

(5) To provide a mechanism for the ownership of land, utilities, streets, and facilities in common as well as the maintenance and disposition thereof. (as added by Ord. #1301, June 2011)

14-1102. General provisions. This chapter is intended to provide the means and guidelines through which tracts of land may be developed with an overall unified approach rather than the traditional lot-by-lot treatment.

(1) The planning commission may consider and adopt a PUD preliminary master plan which satisfies the following criteria:

(a) The proposed development will not unduly injure or damage the use, value or enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and long-range development plans for the City of Manchester.

(b) An approved water distribution system, wastewater collection system, and storm water drainage system is available or will be provided by the developer, at developer's expense, to serve the proposed development.

(c) The proposed development reflects an effort by the developer to plan land uses within the PUD so as to blend harmoniously with adjacent land uses. The location and arrangement of structures, parking

areas, pedestrian walkways, lighting, and other service facilities is compatible with the surrounding land uses.

(d) Screening consisting of fences, walls, and/or vegetative materials is provided along the edges of the proposed development where needed to protect the development from undesirable views, lighting, noise or other off-site influences, or to protect occupants of adjoining property from similar adverse influences within the PUD.

(e) Any part of the proposed development not used for structures, parking, or other service facilities is landscaped or otherwise improved except where natural features are such as to justify preservation.

(f) Any modification of the zoning ordinance, sign ordinance, or subdivision regulations which would otherwise be applicable to the site are warranted by the design of the preliminary master plan and the amenities incorporated therein, and are not inconsistent with the public interest.

(g) A development association, or some other responsible party/entity is provided for to maintain any and all common open space and/or common elements, unless conveyed to a public body which agrees in advance to maintain such features.

(2) Modification of zoning district regulations. The uniqueness of each PUD may require that bulk regulations within the zoning ordinance be modified. Consideration of such modifications may be desirable to achieve the objectives of the proposed PUD, provided such exceptions are consistent with the standards and criteria contained in this chapter and have been specifically requested by the applicant as part of the preliminary master plan. The planning commission shall, as part of the consideration given to the preliminary master plan, make a recommendation regarding any requested modifications prior to mayor and board of aldermen considering approval of the preliminary master plan. No modification of the bulk regulations contained in the zoning ordinance may be permitted when such proposed modification will result in:

(a) Inadequate or unsafe access to the PUD;

(b) Traffic volume exceeding the anticipated capacity of the proposed/existing major street network. A traffic study may be required;

(c) An undue burden on public parks, recreation areas, schools, fire and/or police protection or any other public facilities which serve or are proposed to serve the PUD; or

(d) A development which is incompatible with the purposes of this chapter.

Any exceptions which are granted as part of the PUD's preliminary master plan shall supersede any conflicting zoning ordinance restrictions. In no case, however, shall the use or densities be varied except as herein

provided. The property within a required setback may either be part of the individual lots or common open space.

(3) Modification of sign ordinance regulations. The uniqueness of each PUD may require that regulations within the sign ordinance be modified. Consideration of such modifications may be desirable to achieve the objectives of the proposed PUD provided such exceptions are consistent with the standards and criteria contained in this chapter and have been specifically requested by the applicant as part of the preliminary master plan. The planning commission shall, as part of the consideration given to the preliminary master plan, make a recommendation regarding any requested modifications prior to the final plan approval. No modification of the sign ordinance may be permitted when such proposed modification will result in:

(a) Inadequate or unsafe access or visibility to or within the PUD; or

(b) A development which is incompatible with the purposes of this chapter.

Any exceptions which are granted as part of the PUD's preliminary master plan shall supersede any conflicting sign ordinance regulations.

(4) Relationship to subdivision regulations. The uniqueness of each PUD may require that regulations within the subdivision regulations be modified. Consideration of such modifications may be desirable to achieve the objectives of the proposed PUD provided such exceptions are consistent with the standards and criteria contained in this chapter and have been specifically requested by the applicant as part of the preliminary master plan. The planning commission shall, as part of the consideration given to the preliminary master plan, make a recommendation regarding any requested modifications prior to approval of the final plan. No modification of the subdivision regulations may be permitted when such proposed modification will result in:

(a) Inadequate or unsafe access to the PUD;

(b) Traffic volume exceeding the anticipated capacity of the proposed/existing major street network;

(c) An undue burden on public parks, recreation areas, schools, fire and/or police protection or any other public facilities which serve or are proposed to serve the PUD; or

(d) A development which is incompatible with the purposes of this chapter.

Any exceptions which are granted as part of the PUD's preliminary master plan shall supersede any conflicting subdivision regulations.

(5) Relationship to zoning districts. PUDs shall be permitted in all residential and commercial zoning districts with the exception of the C-1 (Central Business District). Uses within a PUD shall be as permitted by the underlying zoning regulations. The number of dwelling units in the PUD shall

be calculated by dividing the gross acreage by the minimum lot size of the underlying zoning district.

(6) Development period, staging schedule. The expeditious construction of all PUDs shall be undertaken to ensure completion of the development in accordance with the approved preliminary master plan.

(a) Start of development. Within one (1) year after approval of the preliminary master plan by the planning commission, and after a public hearing, a final site plan or final subdivision plat shall be acted upon by the planning commission. Within one (1) year of approval of a final site plan actual construction shall have commenced. Within two (2) years of approval of a final subdivision plat actual construction shall have have commenced.

In the event that a final site plan or final subdivision plat is not acted upon within one (1) or two (2) years of approval of the preliminary master plan respectively, the planning commission may cancel the preliminary master plan. Such cancellation will result in the property reverting to the zoning in existence prior to the PUD and any related base rezoning being considered.

(b) Time extension. The developer may request an extension of the preliminary master plan in one (1) year increments. Approval of any time extension is at the discretion of the planning commission, however, the total time extension shall not exceed two (2) years without re-approval being granted by the planning commission. When considering approval of a time extension, the planning commission may recommend the preliminary master plan be modified to comply with regulations adopted since the PUD was approved and/or changes to the surrounding properties. Any modifications to the adopted PUD, either as requested by the developer or recommended by the planning commission, shall comply with the regulations for amending a PUD as outlined herein.

(c) Phasing of development. The planning commission may permit the development to be constructed in phases so that completion is achieved in a logical manner. Each phase shall be so planned and relate to existing surroundings that failure to proceed to subsequent phases will not have an adverse impact on the PUD or its surroundings.

(d) Completion of development. If the planning commission elects to permit the phasing of development, the following provisions shall be complied with:

(i) The phasing plan shall include information regarding the construction of improvements such as streets, drainage facilities, water lines, sewer lines, landscaping, etc.

(ii) The phasing plan shall include information regarding what will be included in each phase, the order in which phases will

be constructed and an approximate date that construction will begin and end.

(e) From time to time it may be necessary to modify any approved phasing plan. Any request to modify the phasing plan shall be submitted in writing by the landowner and/or developer and will be considered as an amendment to the preliminary master plan.

(7) Dedication of and relation to public facilities. (a) The planning commission may require that suitable areas for streets, sidewalks, utilities, public rights-of-way, schools, parks, or other public areas be set aside and/or dedicated to the city.

(b) PUDs shall be so located in relation to public sanitary sewers, public water lines, storm and drainage systems and other utility systems and installations that neither extension nor enlargement of such systems will be required by the city. If any such improvements are required as part of the proposed development, it shall be the responsibility of the developer/landowner to install and pay for such improvements.

(8) Buffer and screening. Minimum landscape buffer depths and related improvements are outlined for residential and commercial PUDs in this chapter. These minimum buffer depths are required in order to provide a buffer between existing development and the proposed PUD and ensure that the proposed PUD complements its surroundings. The minimum buffer requirements shall be measured from the property lines and may consist of either common open space or be included as part of individual lots. If the minimum buffer is provided as common open space, a specific minimum building setback for the individual lots shall be stated in the preliminary master plan.

(9) Landscaping. Landscaping requirements are outlined for residential and commercial PUDs in this chapter. Landscaping may be provided within the public right-of-way so long as such request is specifically made by the applicant as part of the preliminary master plan. The planning commission shall, as part of the consideration given to the preliminary master plan, make a recommendation regarding the provision of landscaping in the public right-of-way prior to approval of the preliminary master plan. If landscaping is proposed to be provided in the public right-of-way, the planning commission shall, as part of their consideration, approve an agreement allowing for the placement of landscaping within the public right-of-way. When considering such request, the planning commission should take the following into account:

(a) Provisions stated for the maintenance of any landscaping by a homeowners' or property owners' association of all landscaping within the right-of-way;

(b) The City of Manchester shall not be required to incur any expense related to the installation, maintenance, upkeep, and/or removal of the proposed landscaping; and

(c) Any proposed landscaping must be placed in a manner which takes into consideration the safety of drivers and pedestrians; and

(d) The city shall not be held liable for any claims arising out of the installation of the proposed landscaping.

(10) Waiver of board of zoning appeals action. No action of the board of zoning appeals shall be required in the approval of a PUD with the exception of those activities, which would otherwise require use on appeal permits. With respect to the approval of a PUD, the action of the planning commission shall be final. After approval of a preliminary master plan, requests for variances for issues such as setback violations, special use permits and the like shall follow the regulations found in the zoning ordinance.

(11) All utility lines, public and private, within the development shall be placed underground unless otherwise approved by the planning commission. (as added by Ord. #1301, June 2011)

14-1103. Administrative procedure. (1) Steps of approval process. Development plans submitted as part of a PUD shall be submitted in a form that will satisfy the requirements of the subdivision regulations for subdivision plats and/or zoning ordinance requirements for site plans. Review of the subdivision plat or site plan shall be carried out simultaneously with any other requested review of the PUD.

(2) Application for approval of the preliminary master plan. Prior to submitting a PUD application, the developer/landowner shall have a pre-application conference with members of the appropriate planning departments. Requirements of the zoning ordinance and subdivision regulations shall apply to all PUDs unless a waiver is granted as part of the preliminary master plan. An application shall be submitted to the planning commission, along with all documentation as required in these regulations. The planning commission will consider approval of the preliminary master plan.

(3) Application for final developer/subdivision plat/site plan approval. After a PUD preliminary master plan has been approved, the developer/ landowner may make application to the planning commission for approval of a final subdivision plat or final site plan, provided that such plats/plans are in substantial compliance with the preliminary master plan. The submission of a final subdivision plat or final site plan will be based on the type of development and will follow the requirements and review procedure for a site plan or final subdivision plat. Final plat/plan approval may be requested and granted in phases. The final subdivision plat/site plan application shall include a copy of the preliminary master plan showing the overall development, any applicable covenants and/or restrictions, and other required drawings, specifications, easements, conditions and forms of bonds as were set forth by the planning commission's approval of the preliminary master plan. Copies of all legal documents required for dedication or reservation of common open space and/or

for the creation of a non-profit association shall also be submitted. Any deviations from the preliminary master plan and/or phasing plan shall be provided in writing. As part of the submission requirements for site plan approval of all commercial PUDs, architectural drawings and material samples for the proposed buildings, landscaping plans and information relative to the proposed signage and light fixtures shall be provided to ensure that the proposed development complies and is compatible with the overall architectural style and general design theme of the PUD.

(4) Amendments to the PUD. The terms, conditions, and the preliminary master plan of a PUD may be changed from time to time by official action of the planning commission. Any such amendments must remain in compliance with the appropriate zoning regulations and shall not modify the mix of uses or increase the overall density. No changes in the type of structures proposed in the preliminary master plan and approved by the planning commission shall be made without returning to the planning commission for approval of an amendment. If a request is made to modify a contingency required as a condition of approval such request for modification shall be required to be considered by the planning commission regardless of the scope of the requested modification.

The landowner/developer, residents and/or owners of or in the PUD may apply to the planning commission for an amendment to the preliminary master plan. The planning commission may approve such amendment so long as the original intent is not abrogated and the change does not in any way damage any part of the PUD nor any adjoining properties. Minor changes in the location, sitting, and height of buildings, may be authorized by the planning commission based on a recommendation from the planning departments or other city staff. Changes in use, rearrangement of lots, blocks, or building tracts, provisions for open space, or any other desired change shall also require approval of the planning commission and must be justified by changes in conditions or markets since approval of the preliminary master plan.

(5) Cancellation of an adopted PUD. In the event that a final site plan or final subdivision plat is not acted upon within one (1) year of approval of the preliminary master plan, or the phasing plan approved as part of the preliminary master plan is not being followed, the planning commission may cancel the preliminary master plan. The preliminary master plan may also be cancelled at any time upon written request by the landowner and/or developer. Any cancellation will result in the property reverting to the zoning in existence prior to the PUD and any related rezoning being considered. (as added by Ord. #1301, June 2011)

14-1104. Residential planned unit developments. (1) Purpose. The purpose of the residential planned unit development is to permit the clustering of lots in order to allow the creative design of residential property which is

harmonious with the surrounding landscape while maintaining the equity of surrounding property owners. A limited amount of commercial development may be permitted within a residential planned unit development, subject to the regulations outlined within this section. It shall be the burden of the applicant to demonstrate the advantages of the planned unit development over the existing underlying zoning district.

(2) Minimum size. Five (5) acres.

(3) Permitted activities. The following activities may be permitted in a residential PUD only when deemed appropriate by the planning commission as approved with the preliminary master plan. Any other activities not listed below are prohibited.

(a) Residential structures:

(i) Dwelling one-family attached;

(ii) Dwelling one-family detached;

(iii) Dwelling two-family attached; or

(iv) Dwelling multi-family.

(b) Commercial activities:

(i) Commercial uses as permitted within the underlying zoning; or

(ii) Other commercial uses, including retail, as permitted by the planning commission. Any retail uses shall be limited to a maximum of five percent (5%) of the total amount of property within the PUD.

Any commercial development proposed within a residential PUD shall provide development information relative to bulk regulations, building design, screening, off-street parking, loading and vehicular access, signage, and lighting in accordance with the requirements of commercial PUDs.

(4) Density and bulk regulations. (a) The maximum overall number of residential units shall be based on the number of single-family dwellings allowed by the underlying zoning district. This will be calculated by dividing the gross acreage by the minimum lot square footage required by the underlying zoning district. The resulting number will indicate the maximum number of units to be allowed within the RPUD.

(b) Density bonuses, defined as the granting of additional density up to a maximum of sixteen percent (16%), in a development may be granted at the discretion of the planning commission in exchange for a provision by the landowner/developer to incorporate any combination of the following amenities/elements into the planned unit development. Each element may be eligible for a maximum density bonus of four percent (4%), for a total of no more than sixteen percent (16%), for the entire development. Any of these elements may be required by the planning commission:

(i) The donation of land for a future public use such as a school, park, police or fire station, etc.;

(ii) Incorporation of a connection to an existing stretch of the City of Manchester or Coffee County bicycle and pedestrian plan;

(iii) The introduction of street trees and/or ornamental trees along the entire development; or

(iv) Designation of a portion of the property, currently used as a farming operation, to remain as a permanent agricultural easement.

(c) All buildings within a residential PUD shall be set back a minimum of fifty feet (50') from the periphery side and rear property lines of the site as a whole. Land provided along the perimeter as a landscape buffer may be included in the required fifty foot (50') setback requirement. No principal structures may be placed within these required side or rear setbacks. In no case shall the front setback be less than that required in the underlying zoning district.

(d) All accessory structures, excluding fences, detention basin structures, subdivision walls, retaining walls and certain utility structures, shall comply with the setback requirements for the underlying zoning district or as approved as part of the preliminary master plan. Electrical substations or any other utility building or structure shall comply with the front yard setback requirements of the underlying zoning district.

(e) There shall be a minimum distance of twenty feet (20') between all principal buildings consisting of two (2) or more attached units.

(f) No structure within a residential PUD shall have a maximum height greater than three (3) stories.

(5) Streets. All streets, public and private, shall be built to the standards set forth by the City of Manchester.

(6) Off-street parking. Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks and steps may be provided, maintained and lighted for night use. Screening of parking and service areas shall be required through use of trees, shrubs, berms and/or screening walls.

(7) Landscape buffers. When considering the preliminary master plan the planning commission may require landscape buffers. In the event that such buffers are required the following criteria shall apply:

(a) The landscape buffer shall consist of both land and plant materials.

(b) The landscape buffer shall be consistent with its surroundings in terms of the landscape materials and/or arrangement.

(c) The landscape buffer shall be a minimum of twenty-five feet (25') in depth and may be located within the peripheral building setback or may be designated as common open space or a combination thereof.

(d) The landscape buffer, including proposed landscaping, shall be shown on the preliminary master plan. In order to ensure that all required plant materials are installed in accordance with the approved preliminary master plan, a bond or other adequate assurance acceptable to the city shall be submitted prior to a final subdivision plat being signed by the appropriate city staff. In the case of townhomes or other multi-family developments, a bond or other adequate assurance acceptable to the city shall be submitted prior to a building permit being issued.

(e) All existing mature vegetation within the peripheral building setback should be preserved and incorporated into the landscape buffer to the greatest extent possible.

(f) Maintenance of the landscape buffer shall be the responsibility of the development/homeowners' association if part of the common open space or the responsibility of individual homeowners with enforcement of such maintenance by the homeowners' property association.

(8) Common open space. (a) A minimum of thirty percent (30%) of the total property shall be utilized as common open space, which may include land for public use.

(b) Common open space is an essential element of all residential PUDs and every effort shall be made to conserve natural and historic features on the site, including but not limited to:

(i) Mature stands of trees;

(ii) The regulatory 100-year floodplain;

(iii) Wet weather conveyances, springs and streams;

(iv) Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act;

(v) Sinkholes;

(vi) Slopes above twenty-five percent (25%) of at least five thousand (5,000) square feet of contiguous area; and

(vii) Unique topographic features, and endangered species habitats.

(c) In order to provide common open space that may be usable and enjoyed by residents in the PUD, a majority of the common open space shall be in a contiguous tract. A system of trails and/or sidewalks should be used to connect the common open space areas. Concrete sidewalks with a width approved by the planning commission shall be required along the frontage of residential units and along the frontage of

any associated retail or commercial units and shall provide connectivity of all areas of the development.

(d) Common open space shall be suitably improved for its intended use. Common open space containing natural features worthy of preservation, steep slopes or floodplains may remain in their natural state.

(e) Whenever possible, the common open space should adjoin neighboring areas of common open space or otherwise protected lands.

(f) Buildings may be constructed in the common open space if they relate to, and are accessory to, the intended use of the common open space. Large areas of impervious surface shall be excluded from the common open space calculations.

(g) Common open space shall be directly accessible to the largest practicable number of residential lots within the development. Non-adjoining lots shall be provided with safe, convenient pedestrian access to the common open space.

(h) Common open space shall be pedestrian friendly.

(i) Recreation fields and related facilities are allowed within the required common open space.

(j) Agricultural easements may be used to meet the required percentage of common open space. In such an easement, the existing property owner, as well as any subsequent lessee or property owner, will be allowed to continue the current agricultural practices on the property. The agricultural easement agreement shall be shown on the preliminary master plan as well as described in detail within the covenants and restrictions of the residential PUD's homeowners' association.

(9) Ownership and management of common open space. (a) The preliminary master plan shall state, or graphically show, the common open space that is proposed to be constructed with each phase of development. The common open space shall be phased and constructed, so that failure to proceed with subsequent phases will not negatively impact the overall development.

(b) Prior to a final subdivision plat being signed by the appropriate city staff or building permits being issued in the case of townhome or other multi-family development, the landowner/developer shall provide a bond or other adequate assurance acceptable to the city that any proposed improvements within the common open space will be completed in a timely manner.

(c) The landowner/developer shall identify the owner of the common open space who is responsible for maintaining the common open space and any facilities located thereon. If some type of property owners' association is the owner, membership in the association shall be mandatory and automatic for all property owners in the development and

their successors. If a homeowners' association is the owner, the homeowners' association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the common open space and any facilities located thereon in accordance with the approved final plans/plats shall be borne by the owner unless dedicated to a public agency who has agreed to maintain and otherwise be responsible for the property.

(d) In the event that the party responsible for the maintenance of the common open space fails to maintain all or any portion of the common open space in reasonable order and condition, the City of Manchester may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance shall be charged to the owner, homeowners' association, or to the individual property owners that make up the homeowners' association, and may include administrative costs and penalties. Such costs shall become a lien on all properties.

(10) Legal instrument for permanent protection of common open space. The common open space shall be protected in perpetuity by a binding legal instrument which is recorded with the deed. The instrument shall be one (1) of the following:

(a) A permanent conservation or agricultural easement in favor of either:

(i) A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for the retransfer in the event the organization becomes unable to carry out its functions; or

(ii) A governmental entity with an interest in pursuing goals compatible with the purposes of this chapter. If the entity accepting the easement is not the City of Manchester, then a third right of enforcement favoring the City of Manchester shall be included in the easement.

(b) A permanent restrictive covenant for conservation purposes in favor of a governmental entity; or

(c) An equivalent legal tool that provides permanent protection, if approved by the City of Manchester Planning Commission.

The instrument for permanent protection shall include clear restrictions on the use of the common open space. These restrictions shall include all restrictions contained in this chapter, as well as any further restrictions the landowner/developer chooses to place on the use of the common open space. (as added by Ord. #1301, June 2011)

14-1105. Commercial planned unit developments. (1) Purpose. The general purpose of a commercial PUD is to allow for the construction of a quality, holistic development using a general design theme creating a sense of place while continuing to allow for a wide range of activities and uses.

(2) Feasibility study. The planning commission, as part of its deliberations, may require a feasibility study/market analysis for any proposed commercial PUD. The study shall provide information to assist the planning commission to better understand how the proposed development serves the public interest. At a minimum, it shall elaborate on the impact the proposed development will have on the long-range development of commercial land in the city, specifically in and around the subject area. The study shall provide information regarding the landowner/developer's financial capability to complete the proposed development, taking into consideration the impact of any proposed phasing schedule, and provide any other information as may reasonably be requested by the planning commission and/or mayor and board of aldermen.

(3) Minimum size. Three (3) acres.

(4) Permitted activities. Uses permitted in a commercial PUD shall be as regulated by the underlying zoning district unless otherwise permitted by the planning commission as approved with the preliminary master plan. There are no percentage breakdowns for commercial versus residential uses if residential uses are permitted by the underlying zoning district. If residential uses are proposed as part of a commercial PUD, the residential portion of the PUD shall comply with this chapter with the following exceptions:

(a) The minimum percentage of common open space shall be twenty percent (20%); and

(b) The minimum percentage of open space for commercial developments shall be twenty percent (20%).

(5) Density and bulk regulations. Unless modified as part of the preliminary master plan, regulations such as the minimum setbacks, maximum height, etc. shall be governed by the underlying zoning district. No maximum density requirements apply in a commercial PUD.

(6) Building design. As part of the preliminary master plan, information such as architectural drawings, photographs, and/or material samples shall be provided to demonstrate the architectural style of proposed buildings within the PUD. Throughout the PUD, there shall be a consistent theme with respect to architectural style and building materials.

After the preliminary master plan has been approved, and with the submission of site plan applications, architectural drawings and material samples shall be provided to insure that the proposed development complies and is compatible with the overall architectural style and general design theme of the PUD.

(7) Screening and buffering. When structures or uses in a commercial PUD abut residentially zoned property or uses, whether part of the same PUD

or adjacent to the PUD, screening and buffering shall be provided. In the event that screening and buffering is required, the following criteria shall apply:

(a) A landscape buffer shall consist of both land and plant materials.

(b) A screen shall consist of sight-proof fencing or walls of an appropriate height and materials to provide an adequate screen for the subject development and/or the surroundings.

(c) The landscape buffer and/or screen shall be consistent with its surroundings in terms of the landscape materials and/or arrangement.

(d) The landscape buffer shall be a minimum width of twenty-five feet (25') in depth and may be located within the building setback.

(e) Existing mature vegetation within the buffer area shall be preserved and incorporated into the landscape screening to the greatest extent possible.

(f) Maintenance of the landscape buffer and/or screening shall be the responsibility of the property owners' association if part of the common open space or the responsibility of individual property owners with enforcement of such maintenance by the property owners' association.

(g) The landscape buffer, including proposed landscaping, shall be shown on the preliminary master plan. In order to ensure that all required plant materials are installed in accordance with the approved preliminary master plan, a bond or other adequate assurance acceptable to the city shall be submitted prior to a building permit being issued.

As part of the preliminary master plan, preliminary landscape plans and/or plats shall be provided to demonstrate the plants and/or other landscape materials to be used throughout the development. Information regarding the spacing of plants and the installation of a fence/wall shall be provided to demonstrate how any necessary screening will be achieved.

As part of the submission requirements for site plan approval of all commercial PUDs, landscaping plans, including the type, size and location of proposed materials shall be provided to ensure that the proposed development complies and is compatible with the overall style and general design theme of the PUD.

(8) Off-street parking, off-street loading, and vehicular access.

(a) Unless otherwise stated in the preliminary master plan, off-street parking and loading spaces shall be provided at each particular phase of development in accordance with the provisions for off-street parking for those particular uses, as contained in the zoning ordinance. As part of the preliminary master plan, the planning commission may recommend and approve off-street parking regulations that do not meet the full extent of the zoning ordinance if justification is provided to

substantiate the request. Such justification may include, but is not limited to, information regarding industry standards and/or other municipalities' regulations.

(b) Locations for vehicular access, off-street parking and off-street loading shall be located as to not create conflict with existing and/or proposed vehicular access points. A physical separation such as landscaping and/or fencing shall be provided along the entire street frontage except where access drives are located.

(9) Signage. As part of the preliminary master plan submittal, a comprehensive sign plan shall be provided. The comprehensive sign plan shall consist of information such as drawings, photographs, and/or material samples demonstrating the style of proposed signage within the PUD. Throughout the PUD, there shall be a consistent theme with respect to materials, type of signage and illumination.

As part of the submission requirements for site plan approval of all commercial PUDs, drawings and material samples for the proposed signage shall be provided to ensure that the proposed signage complies and is compatible with the overall style and general design theme of the PUD.

(10) Lighting. As part of the preliminary master plan, information such as specification sheets, photographs, and/or material samples shall be provided to demonstrate the style of proposed pole and building mounted lighting within the PUD. Throughout the PUD, there shall be a consistent theme with respect to fixture styles and/or materials.

As part of the submission requirements for site plan approval of all commercial PUDs, information relative to the proposed light fixtures shall be provided to ensure that the proposed development complies and is compatible with the overall style and general design theme of the PUD. In addition, a photometric plan shall be submitted to staff for review and approval. The maximum illumination level provided at all property lines shall be 0.5 foot candles.

(11) Landscaping. As part of the preliminary master plan, general landscape plats shall be provided to demonstrate the landscaping design and proposed buffers within the PUD. Throughout the PUD, there shall be a consistent theme with respect to use of landscape materials and provision of landscaping.

As part of the submission requirements for site plan approval of all commercial PUDs, landscaping plans, including the type, size and location of proposed materials shall be provided to ensure that the proposed development complies and is compatible with the overall style and general design theme of the PUD. (as added by Ord. #1301, June 2011)

14-1106. <u>Schedule of permit fees for planned unit developments</u>. A permit fee schedule has been established for planned unit developments.[1] (Ord. #1318, Dec. 2011)

[1]Schedules of permit fees are available in the office of the city recorder.

CHAPTER 12

STORMWATER ORDINANCE

SECTION

14-1201. General provisions.
14-1202. Definitions.
14-1203. Land disturbance permits.
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14-1205. Post construction.
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14-1207. Illicit discharges.
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14-1212. Appeal.
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14-1201. General provisions. (1) Purpose. It is the purpose of this ordinance to:

(a) Protect, maintain, and enhance the environment of the City of Manchester and the public health, safety and the general welfare of the citizens of the city, by controlling discharges of pollutants to the city's stormwater system and to maintain and improve the quality of the receiving waters into which the stormwater outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the city.

(b) Enable the City of Manchester to comply with the National Pollution Discharge Elimination System permit (NPDES) and applicable regulations, 40 CFR § 122.26 for stormwater discharges.

(c) Allow the City of Manchester to exercise the powers granted in Tennessee Code Annotated, § 68-221-1105, which provides that, among other powers municipalities have with respect to stormwater facilities, is the power by ordinance to:

(i) Exercise general regulation over the planning, location, construction, and operation and maintenance of stormwater facilities in the municipality, whether or not owned and operated by the municipality;

(ii) Adopt any rules and regulations deemed necessary to accomplish the purposes of this statute, including the adoption of a system of fees for services and permits;

(iii) Establish standards to regulate the quantity of stormwater discharged and to regulate stormwater contaminants as may be necessary to protect water quality;

(iv) Review and approve plans and plats for stormwater management in proposed subdivisions or commercial developments;

(v) Issue permits for stormwater discharges, or for the construction, alteration, extension, or repair of stormwater facilities;

(vi) Suspend or revoke permits when it is determined that the permittee has violated any applicable ordinance, resolution, or condition of the permit;

(vii) Regulate and prohibit discharges into stormwater facilities of sanitary, industrial, or commercial sewage or waters that have otherwise been contaminated; and

(viii) Expend funds to remediate or mitigate the detrimental effects of contaminated land or other sources of stormwater contamination, whether public or private.

(2) Administering entity. The City of Manchester Codes Department shall administer the provisions of this ordinance.

(3) Right of entry. The City of Manchester Codes Department, and its designees, shall have the lawful right of entry onto any piece of property within the City of Manchester for the purpose of determining compliance with the provisions of this ordinance. Determining compliance with the provisions of this ordinance may include inspection of construction, commercial, industrial, and municipal facilities, inspection of post construction stormwater controls or other stormwater control structures, investigation of stormwater related complaints, investigation of potential illicit discharges, or any other reasonable purpose that is deemed necessary for the enforcement of this ordinance. Right of entry shall not include entry into any buildings on a property without the notification and acceptance of the building's owner or occupants.

(4) Right to correct violations. It is imperative to the stormwater system and to the quality of the receiving streams that illicit discharges, unacceptable non-stormwater discharges, and other stormwater quality violations be eliminated in a timely manner. If after ample notice from the codes department, a violation has not been corrected by the owner of the property or facility from which the violation is originating, then the codes department may take the necessary measures to have the violation eliminated. All costs associated with the elimination of the violation will be billed back to the owner of the violating property or facility. These costs shall include direct and indirect costs associated with the corrective work. (as added by Ord. #1460, June 2015, and replaced by Ord. #1709, Dec. 2023 ***Ch23_08-06-24***)

14-1202. 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 be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

(1) "As built plans" means drawings depicting conditions as they were actually constructed.

(2) "Best Management Practices" or "BMPs" are physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water, that have been approved by the City of Manchester, and that have been incorporated by reference into this ordinance as if fully set out therein.

(3) "Channel" means a natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.

(4) "Chronic violator" means any person that repeats violations of the stormwater management ordinance at least three (3) times in a one (1) year period. The violations do not have to appear on the same project but do have to be of a similar nature.

(5) "Community water" means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the City of Manchester.

(6) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.

(7) "Design storm event" means a hypothetical storm event, of a given frequency interval and duration, used in the analysis and design of a stormwater facility.

(8) "Discharge" means dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any solid or liquid matter into the municipal separate storm sewer system.

(9) "Easement" means an acquired privilege or right of use or enjoyment that a person, party, firm, corporation, municipality or other legal entity has in the land of another.

(10) "Erosion" means the removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with or promoted by anthropogenic activities or effects.

(11) "Erosion and sediment control plan" means a written plan (including drawings or other graphic representations) that is designed to

minimize the accelerated erosion and sediment runoff at a site during construction activities.

(12) "Governing body" means the Manchester Board of Mayor and Aldermen.

(13) "Hotspot" (priority area) means an area where land use or activities have the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

(14) "Illicit connections" means illegal and/or unauthorized connections to the municipal separate stormwater system whether or not such connections result in discharges into that system.

(15) "Illicit discharge" means any discharge to the municipal separate storm sewer system that is not composed entirely of stormwater and not specifically exempted under § 14-1203(3).

(16) "Land disturbing activity" means any activity on property that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land-disturbing activities include, but not limited to, development, redevelopment, demolition, construction, reconstruction, clearing, grading, filling, and excavation.

(17) "Maintenance" means any activity that is necessary to keep a stormwater facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a stormwater facility if reconstruction is needed in order to restore the facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the stormwater facility.

(18) "Maintenance agreement" means a document recorded in the land records that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

(19) "Municipal Separate Storm Sewer System (MS4)" means the conveyances owned or operated by the municipality for the collection and transportation of stormwater, including the roads and streets and their drainage system, catch basins, curbs, gutters, ditches, man-made channels, and storm drains.

(20) "National Pollutant Discharge Elimination System permit" or "NPDES permit" means a permit issued pursuant to 33 U.S.C. 1342.

(21) "Off-site facility" means a structural BMP located outside the subject property boundary described in the permit application for land development activity.

(22) "On-site facility" means a structural BMP located within the subject property boundary described in the permit application for land development activity.

(23) "Peak-flow" means the maximum instantaneous rate of flow of water at a particular point resulting from a storm event.

(24) "Person" means any and all persons, natural or artificial, including any individual, firm or association and any municipal or private corporation organized or existing under the laws of this or any other state or country.

(25) "Priority area" means "hot spot" as defined in § 12-1202(11).

(26) "Runoff" means that portion of the precipitation on a drainage area that is discharged from the area into the municipal separate stormwater system.

(27) "Sediment" means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.

(28) "Sedimentation" means soil particles suspended in stormwater that can settle in stream beds and disrupt the natural flow of the stream.

(29) "Soils report" means a study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils report shall be prepared by a qualified soils engineer, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees.

(30) "Stabilization" means providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.

(31) "Stormwater" means stormwater runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration and drainage.

(32) "Stormwater management" means the programs to maintain quality and quantity of stormwater runoff to pre-development levels.

(33) "Stormwater management facilities" means the drainage structures, conduits, ditches combined sewers, sewers, and all device appurtenances by means of which stormwater is collected, transported, pumped, treated or disposed of.

(34) "Stormwater management plan" means the set of drawing and other documents that comprise all the information and specifications for the programs, drainage systems, structures, BMPs, concepts and techniques intended to maintain or restore quality and quantity of stormwater runoff to pre-development levels.

(35) "Stormwater runoff" means flow on the surface of the ground, resulting from precipitation.

(36) "Stormwater utility" means the stormwater utility created by ordinance of the city to administer the stormwater management ordinance, and other stormwater rules and regulations adopted by the municipality.

(37) "Structural BMPs" means devices that are constructed to provide control of stormwater runoff.

(38) "Surface water" includes waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other water courses, lakes and reservoirs.

(39) "TDEC" means the Tennessee Department of Environment and Conservation, Division of Water Resources.

(40) "Watercourse" means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

(41) "Watershed" means all the land area that contributes runoff to a particular point along a waterway. (as added by Ord. #1460, June 2015, and replaced by Ord. #1709, Dec. 2023 ***Ch23_08-06-24***)

14-1203. Land disturbance permits. (1) When required. (a) Every person will be required to obtain a land disturbance permit from the City of Manchester in the following cases:

(i) Land disturbing activity disturbs one (1) or more acres (acre = forty three thousand five hundred sixty (43,560) sq. ft.) of land;

(ii) Land disturbing activity of less than one (1) acre of land if such Activity is part of a larger common plan of development that affects one (1) or more acre of land; such as a lot in a subdivision;

(iii) Land disturbing activity of less than one (1) acre of land, if the activity requires a building permit to be completed (unless otherwise determined by the codes department);

(iv) Land disturbing activity of less than one (1) acre of land, if in the discretion of the codes department such activity poses a potential threat to the MS4 or waters of the state.

Anyone that is planning to conduct land disturbing activity of less than one (1) acre shall contact the codes department to determine whether or not a permit will be required for the specific project.

(2) Building permit. No building permit shall be issued until the applicant has obtained a land disturbance permit where the same is required by this ordinance.

(3) Exemptions. The following activities are exempt from the permit requirement:

(a) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.

(b) Existing nursery and agricultural operations conducted as a permitted main or accessory use.

(c) Any logging or agricultural activity that is consistent with an approved farm conservation plan or a timber management plan prepared or approved by state or federal agency.

(4) Application for a land disturbance permit. (a) Each application shall include the following:

(i) Name of applicant; The applicant shall be the owner of the property on which the project is located. The permit may be issued to a designated agent of the property owner, but the designated agent must submit a statement from the property owner stating that the department may issue permits to the agent on the owner's behalf.

(ii) Business or residence address of applicant;

(iii) Name, address and telephone number of the owner of the property of record in the office of the assessor of property;

(iv) Address and legal description of subject property including the tax reference number and parcel number of the subject property;

(v) Name, address and telephone number of the contractor and any subcontractor(s) who shall perform the land disturbing activity and who shall implement the erosion and sediment control plan;

(vi) A statement indicating the nature, extent and purpose of the land disturbing activity, including the size of the area for which the permit shall be applicable and a schedule for the starting and completion dates of the land disturbing activity.

(vii) Where the property includes a sinkhole, the applicant shall obtain from the Tennessee Department of Environment and Conservation appropriate permits.

(viii) The applicant shall obtain from any other state or federal agency any other appropriate environmental permits that pertain to the property. However, the inclusion of those permits in the application shall not foreclose the City of Manchester from imposing additional development requirements and conditions, commensurate with this ordinance, on the development of property covered by those permits.

(b) Each application shall be accompanied by:

(i) A sediment and erosion control plan as described in § 14-1204(4).

(ii) A stormwater management plan as described in § 14-1204(3), providing for stormwater management during the land disturbing activity and after the activity has been completed. Small residential permits will not require a stormwater management plan.

(iii) Each application for a land disturbance permits shall be accompanied by payment of land disturbance permit and other stormwater management fees, which shall be set by resolution or ordinance.

(5) Review and approval of application. (a) The City of Manchester Codes Department will review each application for a land disturbance permit to determine its conformance with the provisions of this ordinance. Within thirty (30) days after receiving an application, the City of Manchester shall provide one (1) of the following responses in writing:

(i) Approval of the permit application;

(ii) Approval of the permit application, subject to such reasonable conditions as may be necessary to secure substantially the objectives of this ordinance, and issue the permit subject to these conditions; or

(iii) Denial of the permit application, indicating the reason(s) for the denial.

(b) If the City of Manchester has granted conditional approval of the permit, the applicant shall submit a revised plan that conforms to the conditions established by the codes department, within seven (7) days of receipt of the conditional approval. However, the applicant shall be allowed to proceed with his land disturbing activity so long as it conforms to conditions established by the codes department.

(c) No development plans will be released until the land disturbance permit has been approved.

(6) Permit duration. Every land disturbance permit shall expire and become null and void if substantial work authorized by such permit has not commenced within one hundred eighty (180) calendar days of issuance. The work authorized by such permit shall not be suspended or abandoned at any time after the work is commenced but shall be carried through to completion. A suspension of work for one hundred eighty (180) calendar days, without prior notification and approval, shall result in the nullification of the permit and potential forfeiture of bonds. The permittee is still responsible for stabilization of any land disturbance activities if the permit is nullified due to extended suspension of work. Once the permit is nullified, the permittee will be required to submit a new application to be able to complete the project, and may be subject to additional permit application fees.

(7) Pre-construction conference. A pre-construction conference will be mandatory for all priority construction activities. Priority construction activities will include the following:

(a) Construction activities discharging directly into, or immediately upstream of, waters the state recognizes as impaired (for siltation) or high quality.

(b) Construction activities that will result in the disturbance of five (5) acres or more of property.

(c) All non-residential construction activities.

(d) Any other construction activities that the codes department deems should be considered a priority construction activity.

The codes department may, at its discretion, require a pre-construction conference for any construction activity, regardless of whether or not the activity is classified as a priority construction activity.

(8) Notice of construction. The applicant must notify the City of Manchester Codes Department ten (10) working days in advance of the commencement of construction. Regular inspections of the stormwater management system shall be conducted by the codes department. All inspections shall be documented and written reports prepared that contain the following information:

(a) The date and location of the inspection;

(b) Whether construction is in compliance with the approved stormwater management plan;

(c) Variations from the approved construction specifications;

(d) Any violations that exist.

Copies of the inspection reports will be maintained at the Manchester Codes Department.

(9) Performance bonds. (a) The City of Manchester may, at its discretion, require the submittal of a performance security or performance bond prior to issuance of a permit in order to ensure that the stormwater practices are installed by the permit holder as required by the approved stormwater management plan. The amount of the installation performance security or performance bond shall be the total estimated construction cost of the structural BMPs approved under the permit plus any reasonably foreseeable additional related costs, e.g., for damages or enforcement. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan. The applicant shall provide an itemized construction cost estimate complete with unit prices which shall be subject to acceptance, amendment or rejection by the codes department. Alternatively the City of Manchester shall have the right to calculate the cost of construction estimates.

(b) The performance security or performance bond shall be released in full only upon submission of as-built plans and written certification by a registered professional engineer licensed to practice in Tennessee that the structural BMP has been installed in accordance with the approved plan and other applicable provisions of this ordinance. The City of Manchester will make a final inspection of the structural BMP to ensure that it is in compliance with the approved plan and the provisions of this ordinance. Provisions for a partial pro-rata release of the performance security or performance bond based on the completion of various development stages can be made at the discretion of the codes department. (as added by Ord. #1460, June 2015, and replaced by Ord. #1709, Dec. 2023 ***Ch23_08-06-24***)

14-1204. Stormwater system design and management standards.
(1) Construction phase standards. (a) Design criteria – The City of Manchester adopts all design storm and special conditions as referenced in the current Tennessee Construction General Permit (CGP) for stormwater discharges from construction activities. All criteria and requirements of the Tennessee General Permit for Stormwater Discharges from construction activities not specifically addressed in this ordinance shall be required by this ordinance. If a requirement of this ordinance conflicts with a requirement of the Tennessee General Permit, the more stringent of the two (2) requirements shall apply.

(b) The City of Manchester adopts as its stormwater design and Best Management Practices (BMP) manual the following publications, which are incorporated by reference in this ordinance as if fully set out herein:

(i) TDEC Sediment and Erosion Control Manual, latest edition.

(ii) Tennessee Permanent Stormwater Management and Design Guidance Manual, latest edition.

These manuals include a list of acceptable BMPs including the specific design performance criteria and operation and maintenance requirements for each stormwater practice. The manual may be updated and expanded from time to time, at the discretion of the governing body of the municipality, upon the recommendation of the codes department, based on improvements in engineering, science, monitory and local maintenance experience. Stormwater facilities that are designed, constructed and maintained in accordance with these BMP criteria will be presumed to meet the minimum water quality performance standards.

(c) If sediment escapes the construction site, off-site accumulations of sediment that have not reached a stream must be removed at a frequency sufficient to minimize offsite impacts (e.g., fugitive sediment that has escaped the construction site and has collected in street must be removed so that it is not subsequently washed into storm sewers and streams by the next rain and/or so that it does not pose a safety hazard to users of public streets). Sediment that has reached a stream shall be reported to the codes department as soon as it is discovered. No attempts to remove sediment from a stream shall be made without prior approval. Appropriate arrangements will need to be made to enter private property for the purpose of removing sediment accumulations.

(d) Sediment should be removed from sediment traps, silt fences, sedimentation ponds, and other sediment controls as necessary, and must be removed when design capacity has been reduced by fifty percent (50%).

(e) Offsite material storage areas (including overburden and stockpiles of dirt) used solely by the permitted project are considered a part of the project and shall be addressed in the stormwater management plan.

(f) Pre-construction vegetative ground cover shall not be destroyed, removed, or disturbed more than ten (10) calendar days prior to grading or earth moving unless the area is seeded and/or mulched or other temporary cover is installed.

(g) Clearing and grubbing must be held to a minimum necessary for grading and equipment operation.

(h) Erosion and sediment control measures must be in place and functional before earth moving operations begin and must be constructed and maintained throughout the construction period. Temporary measures that may hamper construction activity may be removed at the beginning of the work day, but must be replaced at the end of the work day.

(i) Construction erosion control calculations for slopes having a grade of twenty percent (20%) or greater and a length longer than twenty feet (20') for the applicable design storm event.

(2) Permanent stormwater quantity standards. Unless granted a waiver or judged by the codes department to be exempt, the following performance criteria shall be addressed for stormwater management at all commercial and residential subdivision sites:

(a) Hydraulic capacity of existing and proposed stormwater conveyance structures and channels located on the site and off-site (two (2) structures downstream) using Mannings Formula. Each structure or channel shall be capable of passing the referenced event without surcharge:

(i) Twenty-five (25) year design storm – Residential areas, minor street culverts.

(ii) Fifty (50) year design storm – Major drainage channels (existing "blueline" or intermittent streams), collector and minor arterial street culverts.

(iii) One hundred (100) year design storm – Major arterial street culverts. Each drainage structure and/or channel shall be designed to not cause flooding of any structure during the one-hundred (100) year event.

(b) To protect stream channels from the degradation, specific channel protection criteria shall be provided as prescribed in the BMP manual and/or the Manchester Subdivision Regulations.

(c) The permanent hydrologic data for each sub-area including total land area, appropriate runoff co-efficient, time of concentrations as calculated using the SCS-TR-55 method or approved equal, total runoff for the two (2), five (5), twenty-five (25), and one-hundred (100) year

storm events for each area using the SCS-TR-55 method for drainage areas greater than one hundred (100) acres or rational method for drainage areas up to one-hundred (100) acres. Nashville Tennessee intensity-duration-frequency curves shall be used for runoff calculations if local data is not available.

(d) Detention pond inflow/outflow calculations for the two (2), five (5), twenty five (25), and one hundred (100) years storm events. Detention calculations shall include stage-storage calculations, elevation-discharge calculations, inflow hydrograph development, routing calculations, and discharge calculations. A one foot (1') minimum freeboard shall be maintained for each design storm event in the detention basin design. The design shall ensure post-development discharge rates do not exceed pre-development discharge rates for the two (2), five (5), and twenty-five (25) year storm events. The maximum design storm for which detention is required is the twenty-five (25) year storm. The design shall ensure that the post-development discharge for the one hundred (100) year design storm can be managed safely by the detention facility, incorporating spillways as necessary, but not necessarily equaling pre-development discharge rates.

(e) Net pre-construction and post construction runoff exiting the site resulting from the two (2), five (5), twenty-five (25), and one-hundred (100) year storm events using the SCS-TR-55 method for drainage areas greater than one hundred (100) acres or rational method for drainage areas up to one-hundred (100) acres. Runoff velocities shall also be determined.

(f) Stormwater discharges to critical areas with sensitive resources (i.e., shellfish beds, endangered species, swimming areas, water supply reservoirs) may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices, at the discretion of the codes department.

(g) Stormwater discharges from "hot spots" may require the application of specific structural BMPs and pollution prevention practices. In addition, stormwater from a hot spot land use may not be infiltrated unless some type of pretreatment is implemented.

(h) Prior to or during the site design process, applicants for land disturbance permits shall consult with the codes department to determine if they are subject to additional stormwater design requirements.

(3) Permanent stormwater quality standards. (a) New development and redevelopment projects must be designed to reduce pollutants to the Maximum Extent Practicable (MEP), as set forth herein. For design purposes, Total Suspended Solids (TSS) may be used as the indicator for the reduction of pollutants.

(b) Stormwater Control Measures (SCMs) must be designed to provide full treatment capacity within seventy two (72) hours following the end of the preceding rain event for the life of the new development or redevelopment project. SCMs shall generally be as described in the Tennessee Permanent Stormwater Management and Design Guidance Manual. However, other SCMs will be considered if their successful implementation in other jurisdictions can be demonstrated to the satisfaction of the department.

(c) The water quality treatment design storm is the 1-year, 24-hour storm event, as defined by Precipitation-Frequency Atlas of the United States, Atlas 14, Volume 2, Version 3.0, U.S. Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), National Weather Service, Hydrometeorological Design Studies Center, Silver Springs, Maryland or its digital product equivalent. The Water Quality Treatment Volume (WQTV) is a portion of the runoff generated from impervious surfaces at a new development or redevelopment project by the design storm, as set forth below. Uncontaminated roof runoff may be excluded from the WQTV if it can be demonstrated to the satisfaction of the department that the roof runoff will be uncontaminated. Barring proof, roof runoff shall be assumed to be contaminated. SCMs must be designed, at a minimum, to achieve an overall treatment efficiency of eighty percent (80%) TSS removal from the WQTV. The quantity of the WQTV depends on the type of treatment provided, as established in the following table:

Water Quality Treatment Volume and the Corresponding SCM Treatment Type for the 1-year, 24-hour design storm		
SCM Treatment Type	WQTV	Notes
Infiltration, evaporation, transpiration, and/or reuse	Runoff generated from the first inch of the design storm	Examples include, but are not limited to, bioretention, stormwater wetlands, and infiltration systems.
Biologically active filtration, with an underdrain	Runoff generated from the first 1.25 inches of the design storm	To achieve biologically active filtration, SCMs must provide minimum of 12 inches of internal water storage.

SCM Treatment Type	WQTV	Notes
Sand or gravel filtration, settling ponds, extended detention ponds, and wet ponds	Runoff generated from the first 2.5 inches of the design storm or the first 75% of the design storm, whichever is less	Examples include, but are not limited to, sand filters, permeable pavers, and underground gravel detention systems. Ponds must provide forebays comprising a minimum of 10% of the total design volume. Existing regional detention ponds are not subject to the forebay requirement.
Hydrodynamic separation, baffle box settling, other flow-through manufactured treatment devices (MTDs), and treatment trains using MTDs	Maximum runoff generated from the entire design storm	Flow-through MTDs must provide an overall treatment efficiency of at least 80% TSS reduction.

Treatment Train Calculations	
1.	Treatment Train Using MTDs Treatment trains using MTDs must provide an overall treatment efficiency of at least 80% TSS reduction utilizing the following formula: R = A + B – (A x B) / 100 Where: R = total TSS percent removal from application of both SCMs, A = the TSS percent removal rate applicable to the first SCM, and B = the TSS percent removal rate applicable to the second SCM. TSS removal rates for MTD must be evaluated using industrywide standards. TSS removal rates for other SCMs must be from published reference literature.

Treatment Train Calculations	
2.	Treatment Trains Not Using MTDs Treatment trains using infiltration, evaporation, transpiration, reuse, or biologically active filtration followed by sand or gravel filtration, settling ponds, extended detention ponds or wet ponds may subtract the treated WQTV of the upstream SCMs from the WQTV of the downstream SCMs. The WQTV may be reduced by 20% for a new development or redevelopment project that meets either of the following conditions and by 50% for a project that meets both conditions: 1. Redevelopment projects (including, but not limited to, brownfield redevelopment); 2. Vertical density (floor to area ratio of at least 2, or at least 18 units per acre).

(d) Stormwater mitigation. In a case where the entire WQTV cannot be treated on site to the MEP, then an off-site stormwater mitigation site may be proposed. The mitigation site must be located within the same USGS twelve (12) digit hydrologic unit code watershed as the new development or redevelopment project. The mitigation site must treat a minimum of 1.5 times the portion of the WQTV not treated on the development site. The City of Manchester maintains the right to determine on a case-by-case basis whether or not a proposed mitigation site and measures serve as a benefit to both the development and the city. Therefore, proposed mitigation plans should be brought to the attention of the city review staff at the earliest point possible in the development planning process.

(4) Stormwater management plan requirements. The stormwater management plan shall include sufficient information to allow the codes department to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. In most cases, the Stormwater Pollution Prevention Plan (SWPPP) prepared in compliance with the TNCGP will suffice as the stormwater management plan. To accomplish this goal the stormwater management plan shall include the following:

(a) Topographic Base Map: A one inch equals one hundred feet (1" = 100') topographic base map of the site. Topography shall extends a minimum of one hundred feet (100') beyond the limits of the proposed development, if specifically required. Base map shall indicate:

(i) Existing surface water drainage including streams, ponds, culverts, ditches, sink holes, wetlands; and the type, size

elevation, etc., of nearest upstream and downstream drainage structures;

(ii) Current land use including all existing structures, location of utilities, roads, and easements;

(iii) All other existing significant natural and artificial features;

(iv) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads and easements; the limits of clearing and grading;

(v) Proposed structural BMPs;

(vi) A written description of the site plan and justification of proposed changes in natural conditions may also be required.

(b) Calculations: As described above for stormwater quantity and quality standards.

(c) Soils information: If a stormwater management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles and soil survey reports. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure. If stormwater control measures are not dependent on soils characteristics then only the soils data used to determine runoff characteristics of the property shall be submitted.

(d) Long-term maintenance plan: The design and planning of all stormwater management facilities shall include detailed maintenance and repair procedures to ensure their continued performance. As such, a long-term maintenance plan shall be prepared and submitted for a post-construction permanent stormwater quantity and quality control measures to be implemented on a project. The long-term maintenance plan shall include specific details about the necessary maintenance and necessary inspections of the facility. An inspection checklist and frequency shall be made part of the plan. The plan shall be written as a guidance document for owners that may not be familiar with the specific workings of the control structure. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan. A permanent elevation benchmark shall be identified in the plans to assist in the periodic inspection of the facility, if appropriate.

(e) Landscaping plan: The applicant must present a detailed plan for management of vegetation at the site after construction is finished, including who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. Where it is required by the BMP, this plan must be prepared by a registered landscape architect licensed in Tennessee.

(f) Maintenance easements: The applicant must ensure access to the site for the purpose of inspection and repair by securing all the maintenance easements needed. These easements must be binding on the current property owner and all subsequent owners of the property and must be properly recorded in the land record.

(g) Maintenance agreement:

(i) The owner of property to be served by an on-site stormwater management facility must execute an inspection and maintenance agreement that shall operate as a deed restriction binding on the current property owner and all subsequent property owners.

(ii) The maintenance agreement shall:

(A) Assign responsibility for the maintenance and repair of the stormwater facility to the owner of the property upon which the facility is located and be recorded as such on the plat for the property by appropriate notation. For this reason, the facility shall be located on one property and not on multiple lots.

(B) It shall also grant permission to the city to enter the property at reasonable times and to inspect the stormwater facility to ensure that it is being properly maintained. Provide that the minimum maintenance and repair needs include, but are not limited to: the removal of silt, litter and other debris, the cutting of grass, grass cuttings and vegetation removal, and the replacement of landscape vegetation, in detention and retention basins, and inlets and drainage pipes and any other stormwater facilities. It shall also provide that the property owner shall be responsible for additional maintenance and repair needs consistent with the needs and standards outlined in the BMP manual.

(C) Provide that maintenance needs must be addressed in a timely manner, on a schedule to be approved by the codes department.

(D) Provide that if the property is not maintained or repaired within the prescribed schedule, the codes department shall perform the maintenance and repair at its

expense, and bill the same to the property owner. The maintenance agreement shall also provide that the City of Manchester cost of performing the maintenance shall be a lien against the property.

(h) Sediment and erosion control plans: The applicant must prepare a sediment and erosion control plan for all construction activities that complies with § 14-1204(4) below.

(i) Drainage easements: Drainage easements are required for all stormwater structures and all storm drainage conveyances. Drainage easements are meant to ensure conveyance of stormwater from one property to the next. Drainage structures such as pipes that are placed on private property shall be placed on one property rather than directly on a property line. The drainage easement containing the pipe may cross the property line. Maintenance of structures or conveyances within drainage easements is the responsibility of the property owner.

(5) Sediment and erosion control plan requirements. The sediment and erosion control plan shall accurately describe the potential for soil erosion and sedimentation problems resulting from land disturbing activity and shall explain and illustrate the measures that are to be taken to control these problems. The length and complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and potential for off-site damage. The plan shall also conform to the requirements found in the BMP manual, and shall include at least the following:

(a) Project description – Briefly describe the intended project and proposed land disturbing activity including number of units and structures to be constructed and infrastructure required.

(b) A topographic map with contour intervals of no more than five feet (5') showing present conditions and proposed contours resulting from land disturbing activity.

(c) All existing drainage ways, including intermittent and wet-weather. Include any designated floodways or flood plains.

(d) A general description of existing land cover. Individual trees and shrubs do not need to be identified.

(e) Stands of existing trees as they are to be preserved upon project completion, specifying their general location on the property. Differentiation shall be made between existing trees to be preserved, trees to be removed and proposed planted trees. Tree protection measures must be identified, and the diameter of the area involved must also be identified on the plan and shown to scale. Information shall be supplied concerning the proposed destruction of exceptional and historic trees in setbacks and buffer strips, where they exist. Complete landscape plans may be submitted separately. The plan must include the sequence of implementation for tree protection measures.

(f) Approximate limits of proposed clearing, grading and filling.

(g) Approximate flows of existing stormwater leaving any portion of the site.

(h) A general description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics.

(i) Location, size and layout of proposed stormwater and sedimentation control improvements.

(j) Proposed drainage network.

(k) Proposed drain tile or waterway sizes.

(l) Approximate flows leaving site after construction and incorporating water run-off mitigation measure. The evaluation must include projected effects on property adjoining the site and on existing drainage facilities and systems. The plan must address the adequacy of outfalls from the development: when water is concentrated, what is the capacity of waterways, if any, accepting stormwater off-site; and what measures, including infiltration, sheeting into buffers, etc., are going to be used to prevent the scouring of waterways and drainage areas off-site, etc.

(m) The projected sequence of work represented by the grading, drainage and sedimentation and erosion control plans as related to other major items of construction, beginning with the initiation of excavation and including the construction of any sediment basins or retention facilities or any other structural BMPs.

(n) Specific remediation measures to prevent erosion and sedimentation run-off. Plans shall include detailed drawing of all control measures used; stabilization measures including vegetation and non-vegetation measures, both temporary and permanent, will be detailed. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan.

(o) Specific details for: the construction of rock pads, wash down pads, and settling basins for controlling erosion; road access points; eliminating or keeping soil, sediment, and debris on streets and public ways at a level acceptable to the codes department. Soil, sediment, and debris brought onto streets and public ways must be removed by the end of the work day by machine, broom or shovel to the satisfaction of the codes department. Failure to remove the sediment, soil or debris shall be deemed a violation of this ordinance.

(p) Proposed structures; location (to the extent possible) and identification of any proposed additional buildings, structures or development on the site.

(q) A description of on-site measures to be taken to recharge surface water into the ground water system through infiltration.

(r) The erosion control plan shall identify water quality buffer zones that must be established adjacent to all streams, including intermittent streams. The water quality buffer zone shall consist of a setback from the top of the water body's bank of undisturbed vegetation, including trees, shrubs and herbaceous vegetation; enhanced or restored vegetation; or the re-establishment of native vegetation bordering streams, ponds, wetlands, springs, reservoirs or lakes, which exists or is established to protect those water bodies. Stormwater discharges should enter the buffer zone as sheet flow, not as concentrated flow, where site conditions allow.

Water quality riparian buffers must have the following minimum widths:

	Average buffer width (feet)	Average buffer width (feet)	Notes
Waters with available parameters for siltation and habitat alteration or unassessed waters	30	15	The criteria for the width of the buffer zone can be established on average width basis at a project, as long as the minimum width of the buffer zone is more than the required minimum width at any measured location. If the development site encompasses both sides of a stream, buffer averaging can be applied to both sides, but must be applied independently.
Exceptional Tennessee Waters or waters with unavailable parameters for siltation or habitat alteration	60	30	

The predominant vegetation within the minimum buffer width area should be trees. The remaining riparian buffers may be composed of herbaceous cover or infiltration based SCMs. If the buffer zone is not composed of primarily trees at the time of development, the buffer zone may be allowed to establish tree cover naturally or trees may be planted to allow better control of the type and timing of tree establishment.

In subdivision developments, buffer zones shall be designated as open space and shall not be considered a part of any individual residential lots. For nonsubdivision developments, such as commercial developments, a drainage easement shall be established for the buffer zone. The easement will stipulate that no disturbance can take place

without applying for and receiving written approval from the Codes Department.

(6) Changes to the stormwater management plan and/or erosion and sedimentation control plan. Any significant changes to the stormwater management plan and/or erosion and sedimentation control plan after approval of the same shall require resubmittal of plans to the codes department for subsequent approval. Work shall not continue on any portion of the plan requiring modification or on areas of the plan that are dependent upon the modifications until the modifications have been approved. Work that is not related to the modifications being made may continue during the reapproval process. Any work performed that is not in strict accordance with the approved plans is performed at the contractor's risk. It shall not be assumed that changes to the plans will automatically be approved even if they have already been constructed.

Significant plan changes do not include the location of temporary sedimentation controls. Adjustment to the exact location of temporary sedimentation controls, to better comply with the intent of the erosion and sedimentation control plan, does not require prior approval or resubmittal of plans. Significant changes include, but are not limited to, those that would change the runoff calculations, those that would require changes to the permanent stormwater structures or controls, and those that would require additional permanent stormwater structures or controls. (as added by Ord. #1460, June 2015, and replaced by Ord. #1709, Dec. 2023 ***Ch23_08-06-24***)

14-1205. Post construction. (1) As built plans. All applicants are required to submit actual as built plans for any structures located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be sealed by a registered professional engineer licensed to practice in Tennessee. A final inspection by the codes department is required before any performance security or performance bond will be released. The codes department shall have the discretion to adopt provisions for a partial pro-rata release of the performance security or performance bond on the completion of various stages of development. In addition, occupation permits shall not be granted until corrections to all BMPs have been made and accepted by the codes department.

(2) Landscaping and stabilization requirements. (a) Any area of land from which the natural vegetative cover has been either partially or wholly cleared by development activities shall be revegetated according to a schedule approved by the codes department. The following criteria shall apply to revegetation effort:

(i) Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time

as the cover crop is established over ninety percent (90%) of the seeded area.

(ii) Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.

(iii) Any area of revegetation must exhibit survival of a minimum of seventy-five percent (75%) of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum seventy-five percent (75%) survival for one (1) year is achieved.

(iv) Approved sedimentation controls must be maintained until stabilization efforts have been completed (seeding and mulching, sodding, paving, or gravelling). Where sedimentation controls are in the way of stabilization efforts, they may be removed, but they must be reinstalled at the end of the day if the stabilization efforts are not completed by the end of the day. Where a bond is issued for stabilization efforts, sedimentation controls must be maintained until the stabilization efforts are completed.

(b) In addition to the above requirements, a landscaping plan must be submitted with the final design describing the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.

(3) Inspection of stormwater management facilities. Periodic inspections of facilities shall be performed as provided for in § 4(g)(ii)(D).

(4) Records of installation and maintenance activities. Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation of the stormwater facility, and of all maintenance and repairs to the facility, and shall retain the records for at least five (5) years. These records shall be made available to the codes department during inspection of the facility and at other reasonable times upon request.

(5) Failure to meet or maintain design or maintenance standards. If a responsible party fails or refuses to meet the design or maintenance standards required for stormwater facilities under this ordinance, the City of Manchester, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the City of Manchester shall

notify in writing the party responsible for maintenance of the stormwater management facility. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in an approved manner. In the event that corrective action is not undertaken within that time, the codes department may take necessary corrective action. The cost of any action by the City of Manchester under this section shall be charged to the responsible party. (as added by Ord. #1460, June 2015, and replaced by Ord. #1709, Dec. 2023 ***Ch23_08-06-24***)

14-1206. Existing locations and developments. (1) Requirements for all existing locations and developments. Adoption of this ordinance shall in no way relieve the owners of existing stormwater structures of their responsibilities under previous grading or stormwater ordinances. Existing locations and developments shall comply with the provisions of this ordinance to the extent necessary to protect the existing stormwater system and waters of the state. The codes department shall have the right to require owners of existing stormwater structures to comply with the post construction maintenance and repair provisions of this ordinance, or any other provisions as may be deemed necessary to maintain the integrity of the stormwater system.

The following requirements shall apply to all locations and development at which land disturbing activities have occurred previous to the enactment of this ordinance:

(a) Denuded areas must be vegetated or covered under the standards and guidelines specified in the BMP manual and on a schedule acceptable to the codes department.

(b) Cuts and slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.

(c) Drainage ways shall be properly covered in vegetation or secured with rip-rap, channel lining, etc., to prevent erosion.

(d) Trash, junk, rubbish, etc. shall be cleared from drainage ways.

(2) Requirements for existing problem locations. The City of Manchester shall in writing notify the owners of existing locations and developments of specific drainage, erosion or sediment problem affecting such locations and developments, and the specific actions required to correct those problems. The notice shall also specify a reasonable time for compliance.

(3) Inspection of existing facilities. The City of Manchester may, to the extent authorized by state and federal law, establish inspection programs to verify that all stormwater management facilities, including those built before as well as after the adoption of this ordinance, are functioning within design limits. These inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspection; inspections based upon complaints or other notice of possible violations; inspection of

drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants of pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of the municipality's NPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other BMPs.

(4) Corrections of problems subject to appeal. Corrective measures imposed by the stormwater utility under this section are subject to appeal under § 14-1212 of this ordinance. (as added by Ord. #1460, June 2015, and replaced by Ord. #1709, Dec. 2023 ***Ch23_08-06-24***)

14-1207. Illicit discharges. (1) Scope. This section shall apply to all water generated on developed or undeveloped land entering the municipality's separate storm sewer system.

(2) Prohibition of illicit discharges. No person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of stormwater. The commencement, conduct or continuance of any non-stormwater discharge to the municipal separate storm sewer system is prohibited except as described as follows:

(a) Uncontaminated discharges from the following sources:

(i) Water line flushing or other potable water sources,

(ii) Landscape irrigation or lawn watering with potable water,

(iii) Diverted stream flows,

(iv) Rising ground water,

(v) Groundwater infiltration to storm drains,

(vi) Pumped groundwater,

(vii) Foundation or footing drains,

(viii) Crawl space pumps,

(ix) Air conditioning condensation,

(x) Springs,

(xi) Non-commercial washing of vehicles,

(xii) Natural riparian habitat or wet-land flows,

(xiii) Swimming pools (if dechlorinated to less than one (1) PPM chlorine),

(xiv) Fire fighting activities, and

(xv) Any other uncontaminated water source.

(b) Discharges specified in writing by the codes department as being necessary to protect public health and safety.

(c) Dye testing is an allowable discharge if the codes department has so specified in writing.

(3) Prohibition of illicit connections. (a) The construction, use, maintenance or continued existence of illicit connections to the separate municipal storm sewer system is prohibited.

(b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(4) Reduction of stormwater pollutants by the use of best management practices. Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, the BMPs necessary to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

(5) Notification of spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting in, or may result in illicit discharges or pollutants discharging into stormwater, the municipal separate storm sewer system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, the person shall notify the codes department in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the codes department within three (3) business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least five (5) years. (as added by Ord. #1460, June 2015, and replaced by Ord. #1709, Dec. 2023 ***Ch23_08-06-24***)

14-1208. Hot spots. Hot spots are those areas where land use or activities have the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater. It shall be a violation of this ordinance for hotspots to contaminate stormwater runoff in any manner that would violate any water quality standards existing within this ordinance or within any state and/or federal documents or

regulations. Hotspots may include industrial facilities, certain commercial facilities, large commercial parking areas, and other facilities designated by the codes department as having the potential to contaminate stormwater runoff from their ongoing activities. Certain hotspots will be regulated by the Manchester Codes Department as follows:

(1) Industrial and commercial properties. All industrial and commercial properties within Manchester shall be prohibited from introducing contaminants into the stormwater system or into waters of the state. To achieve compliance with this requirement, industrial and commercial properties must comply with all applicable local, state, and federal stormwater permitting requirements. For industrial activities this means compliance with the Tennessee Multi Sector Industrial Permit and all of its provisions, including the development and maintenance of a site specific Stormwater Pollution Prevention Plan (SWPPP) and all monitoring requirements. If the industrial activity is eligible for the No-Exposure Certification rather than permit coverage, due to not having any industrial activities exposed to stormwater, then that certification must be obtained and kept current.

(2) Auto repair and supply shop requirements. (a) Written management plan. Auto repair shops, auto supply shops, and other auto related facilities that use or collect oils or other automobile fluids shall prepare a written plan outlining the best management practices that will be utilized to minimize impacts from their establishment to the quality or quantity of waters discharged to the Manchester MS4. The written plan shall be submitted to the codes department within ninety (90) days of notification by the department of the necessity of the plan. The plan shall be maintained on file at the establishment.

At a minimum, the plan shall address the following topics:

(i) Methods used to minimize the amount of liquids and greases placed in dumpsters or compactors.

(ii) Methods used to keep rain water out of dumpsters.

(iii) Methods used to keep leaks and other wastewaters from dumpsters and compactors from entering the storm sewer system.

(iv) Procedures used to contain all automotive fluids prior to use or disposal.

(v) Schedule for inspection of dumpsters, compactors, and oil/fluid storage areas for leaks or stains and inspection of dumpster and compactor area for litter

(vi) Provisions for the immediate replacement of leaking dumpsters, compactors, or fluid storage containers.

(vii) Details of contracts or arrangements with outside vendors who collect waste oils or other fluids for disposal. Details shall include the name of the vendor, the final disposal or

treatment location for the fluids, the method of disposal or treatment of the fluids, and the frequency of pick-up from the facility.

(b) Best management plan implementation. Within one hundred eighty (180) days of the completion of the written plan, all best management practices required to eliminate impacts to the stormwater system shall be in place and fully implemented.

(c) Training. Within sixty (60) days of the completion of the written plan, all employees shall be trained on the requirements of the plan and the proper procedures for complying with the plan. Training shall be repeated at least annually or anytime significant changes are made to the plan. Training records that indicate the topics covered and the individuals who were trained shall be maintained at the facility as a part of the written plan.

(d) Sanitary sewer connections. New or additional sanitary sewer connections that are needed to comply with the requirements of this ordinance shall be installed under the approval and direction of the Manchester Water and Sewer Department.

(3) Restaurant and grocery store requirements. (a) Written management plan. Restaurants, grocery stores, and other food preparation facilities shall prepare a written plan outlining the best management practices that will be utilized to minimize impacts from their establishment to the quality or quantity of waters discharged to the Manchester MS4. For existing facilities, the written plan shall be submitted to the codes department within ninety (90) days of notification by the department of the necessity of the plan. For new facilities, the plan shall be submitted to the codes department as part of the initial stormwater management plan. The plan shall be maintained on file at the establishment.

At a minimum, the plan shall address the following topics:

(i) Methods used to minimize the amount of liquid placed in dumpsters or compactors.

(ii) Methods used to keep rain water out of dumpsters.

(iii) Methods used to keep leaks and other wastewaters from dumpsters and compactors from entering the storm sewer system.

(iv) Procedure used to make sure all waste is contained in dumpsters and compactors.

(v) Schedule for inspection of dumpsters and compactors for leaks or stains and inspection of dumpster and compactor area for litter.

(vi) Provisions for the immediate replacement of leaking dumpsters and compactors.

(vii) Methods used to keep all washwaters from equipment cleaning areas from entering the storm sewer system

(b) Best management plan implementation. Within one hundred eighty (180) days of the completion of the written plan, all best management practices required to eliminate impacts to the stormwater system shall be in place and fully implemented.

(c) Training. Within sixty (60) days of the completion of the written plan, all employees shall be trained on the requirements of the plan and the proper procedures for complying with the plan. Training shall be repeated at least annually or anytime significant changes are made to the plan. Training records that indicate the topics covered and the individuals who were trained shall be maintained at the facility as a part of the written plan.

(d) Sanitary sewer connections. New or additional sanitary sewer connections that are needed to comply with the requirements of this ordinance shall be installed under the approval and direction of the Manchester Water and Sewer Department. (as added by Ord. #1460, June 2015, and replaced by Ord. #1709, Dec. 2023 ***Ch23_08-06-24***)

14-1209. General prohibitions. (1) Blockage of watercourses or drains. It shall be unlawful for any person to dump refuse or solid waste of any nature (including grass clippings, leaves, brush, garbage, scrap, or any other refuse) into a stream, ditch, storm sewer, or any other drain within the city or to place such refuse or solid waste or cause such refuse or solid waste to be placed in a manner in which it is likely to enter into any stream, ditch, storm sewer, or other drain either by natural or other means. It shall further be unlawful for any person to cause or allow any obstruction of any nature whatsoever (landscaping, driveways, fill, etc.) of any watercourse or flow of water either by natural or manmade means. It shall be unlawful to block a watercourse or drain by constructing a fence over the drain in any manner that restricts flow or that can catch debris, thus restricting flow.

(2) Dumping. It shall be unlawful for any person to dump any liquid waste into any stream, ditch, storm sewer, or any other drain or in any location where it is likely to enter any stream, ditch, storm sewer, or other drain either by natural or other means. Liquid waste may include automotive fluids, wash waters, cleaning fluids, solvents, or any other liquids that could be toxic or otherwise detrimental to the receiving stream or storm sewer system.

(3) Alteration of watercourses of drains. It shall be unlawful for any person to cause, permit, or allow the alteration of any stream, ditch, storm sewer or any other drain without written approval from the public works department and the acquisition of any state permits that may be necessary for the performance of the alterations. Alterations may include, but are not limited

to, a change in direction of flow, the addition of a structure such as a culvert or a bridge, or a change in size of a channel or pipe.

(4) Unpermitted discharge. It shall be unlawful for any person to discharge stormwater to any stream, ditch, storm sewer or any other storm drain within the city without first obtaining the required state permit coverage as described below:

(a) Construction sites that disturb one (1) acre of land or more or are part of a larger common plan of development must apply for coverage under the Tennessee General Permit for Stormwater Discharges from Construction Activity.

(b) Industrial facilities must apply for coverage under the Tennessee Stormwater Multi-Sector General Permit for Industrial Activities or the Certificate of No Exposure, if applicable.

(5) Contamination of stormwater. It shall be unlawful for any industrial, commercial, or residential properties, including but not limited to restaurants, auto repair shops, auto supply shops, and large commercial parking areas, to contaminate stormwater runoff. All numerical or visual effluent limitations set by state permits or regulations shall apply under the provisions of this ordinance.

(6) Construction site waste. It shall be unlawful for construction site operators to discard waste, including building materials, concrete truck washout, chemicals, litter, sanitary waste, or any other potential pollutants in a manner that may cause adverse impacts to water quality. This requirement applies to all construction site operators, regardless of whether or not the site was required to obtain a land disturbance permit for the construction activity. (as added by Ord. #1460, June 2015, and replaced by Ord. #1709, Dec. 2023 ***Ch23_08-06-24***)

14-1210. Enforcement. (1) Enforcement authority. The codes department shall have the authority to issue notices of violation and citations, and to impose the civil penalties provided in this section.

(2) Notification of violation. (a) Written notice of violation. Whenever the codes department finds that any permittee or any other person discharging stormwater has violated or is violating this ordinance or a permit or order issued hereunder, the department may serve upon such person written notice of the violation. Within a time specified in the notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the department. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation.

(b) Show cause hearing. The department may order any person who violates this ordinance or permit or order issued hereunder, to show

cause why proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the violator show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing.

(c) Adminstrative order. When the department finds that any person has violated or continues to violate this ordinance or a permit or order issued thereunder, he may issue an order to the violator directing that, following a specific time period, adequate structures, devices, be installed or procedures implemented and properly operated. Orders may also contain such requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installation of devices, self-monitoring, and management practice.

(d) Stop work orders. When the department finds that any person has violated or continues to violate this ordinance or any permit or order issued hereunder, the department may issue an order to stop all work on the project until all such violations have been corrected and the department has approved the corrections, thus allowing work to proceed on the project. (as added by Ord. #1460, June 2015, and replaced by Ord. #1709, Dec. 2023 ***Ch23_08-06-24***)

14-1211. Penalties. (1) Violations. Any person who shall commit any act declared unlawful under this ordinance, who violates any provision of this ordinance, who violates the provisions of any permit issued pursuant to this ordinance, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the City of Manchester shall be guilty of a civil offense.

(2) Penalties. Under the authority provided in Tennessee Code Annotated, § 68-221-1106, the municipality declares that any person violating the provisions of this ordinance may be assessed a civil penalty by the City of Manchester of not less than fifty dollars ($50.00) and not more than five thousand dollars ($5,000.00) per day for each day of violation. Each day of violation shall constitute a separate violation.

(3) Measuring Civil Penalties. In assessing a civil penalty, the codes department will follow the provisions of the Enforcement Response Plan (ERP)[1] and will utilize the scoring system outlined in the ERP to set the dollar amount

[1]The Enforcement Response Plan (ERP) is contained in Appendix A of this municipal code.

of the penalty. As outlined in the ERP, the department may consider the following factors when determining the amount of the penalty:

(a) The harm done to the public health or the environment;

(b) Whether the civil penalty imposed will be substantial economic deterrent to the illegal activity;

(c) The economic benefit gained by the violator;

(d) The amount of effort put forth by the violator to remedy this violation;

(e) Any unusual or extraordinary enforcement costs incurred by the municipality;

(f) The amount of penalty established by ordinance or resolution for specific categories of violations; and

(g) Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.

(4) Recovery of damages and costs. In addition to the civil penalty in subsection (2) above, the municipality may recover;

(a) All damages proximately caused by the violator to the municipality, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this ordinance, or any other actual damages caused by the violation.

(b) The costs of the municipality's maintenance of stormwater facilities when the user of such facilities fails to maintain them as required by this ordinance.

(5) Other remedies. The municipality may bring legal action to enjoin the continuing violation of this ordinance, and the existence of any other remedy, at law or equity, shall be no defense to any such actions.

(6) Remedies cumulative. The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one (1) or more of the remedies set forth herein has been sought or granted.

(7) Chronic violators. The codes department must enforce at a higher level against chronic violators. This higher level of enforcement shall include increased penalty amounts and more frequent inspections, as specified in the enforcement response plan. The department shall also have the ability to enforce other disincentives against chronic violators, such as the refusal to issue additional permits when the violator has unresolved enforcement issues with the department. (as added by Ord. #1460, June 2015, and replaced by Ord. #1709, Dec. 2023 ***Ch23_08-06-24***)

14-1212. Appeals. Pursuant to Tennessee Code Annotated, § 68-221-1106(d), any person aggrieved by the imposition of a civil penalty or damage assessment as provided by this ordinance may appeal said penalty or damage assessment to the stormwater board of appeals.

(1) Stormwater board of appeals. The stormwater board of appeals shall consist of three (5) members, to be recommended by the codes department and appointed by the governing body. Each member must be a resident of the City of Manchester. Each member shall be appointed to a term of three (3) years, with the first terms to be staggered as follows: one (1) member appointed to a one (1) year term, two (2) members appointed to two (2) year terms, and two (2) members appointed to three (3) year terms. The stormwater board of appeals shall meet as needed. Members of the board may serve additional terms as appointed by the governing body.

The stormwater board of appeals is hereby authorized to hear and decide appeals of any order, decision or ruling of the codes department or it's designee issued pursuant to these regulations. Following the hearing on an application for appeal, the stormwater board of appeals may affirm, reverse, modify, or remand for more information, the order, decision or ruling of the codes department or it's designee. In no event shall the stormwater board of appeals issue a decision that in any way conflicts or contradicts these regulations or any other federal, state, or local laws or regulations relating to stormwater, wastewater, zoning, or planning. The stormwater board of appeals may not modify the amount of civil penalties, as set by the enforcement response plan.

(2) Appeals to be in writing. The appeal shall be in writing and filed with the municipal recorder or clerk within fifteen (15) days after civil penalty and/or damage assessment is served in any manner authorized by law.

(3) Public hearing. Upon receipt of an appeal, the stormwater board of appeals shall hold a public hearing within thirty (30) days. Ten (10) days prior notice of the time, date, and location of said hearing shall be published in a daily newspaper of general circulation. Ten (10) days notice by registered mail shall also be provided to the aggrieved party, such notice to be sent to the address provided by the aggrieved party at the time of appeal. The decision of the municipality's stormwater board of appeals shall be final.

(3) Appealing decisions of the municipality's stormwater board of appeals. Any alleged violator may appeal a decision of the municipality's governing body pursuant to the provisions of Tennessee Code Annotated, title 27, chapter 8. (as added by Ord. #1460, June 2015, and replaced by Ord. #1709, Dec. 2023 ***Ch23_08-06-24***)

14-1213. Fee schedule. (1) Permit review and inspection fees. A fee shall be assessed for each land disturbance and stormwater protection permit as set forth in the following table:

DISTURBED ACREAGE	RESIDENTIAL	COMMERCIAL/INDUSTRIAL
0.01 - 0.99	$100	$250
1.00 - 4.99	$150	$350

DISTURBED ACREAGE	RESIDENTIAL	COMMERCIAL/INDUSTRIAL
5.00 - 14.99	$250	$500
15.00 - 29.99	$400	$800
30.00 or more	$750	$1,500

The review and inspection fees are based on acreage to be disturbed during the construction of the project. If a proposed acreage of disturbance is not provided, the fee will be based on the total project acreage.

(2) Stormwater user's fee. The governing body shall have the authority to impose, by resolution, on each and every developed property in the city a stormwater user's fee. Prior to establishing or amending user's fees, the municipality shall advertise its intent to do so by publishing notice in a newspaper of general circulation in the city at least thirty (30) days in advance of the meeting of the municipality's governing body which shall consider the adoption of the fee or its amendment.

If the governing body chooses to impose a stormwater user's fee, it shall be based on the establishment of an Equivalent Residential Unit (ERU). The ERU shall be the average square footage of a detached single-family residential property. The city board shall have the discretion to determine the source of the data from which the ERU is established.

(a) Property classifications. For purposes of determining the stormwater user's fee, all properties in the city are classified into one of the following classes:

(i) Single-family residential property;

(ii) Other developed property;

(b) Single family residential fee. The municipality's governing body finds that the intensity of development of most parcels of real property in the municipality classified as single family residential is similar and that it would be excessively and unnecessarily expensive to determine precisely the square footage of the improvements (such as buildings, structures, and other impervious areas) on each such parcel. Therefore, all single family residential properties in the city shall be charged a flat stormwater management fee, equal the base rate, regardless of the size of the parcel or the improvements.

(c) Other developed property fee. The fee for other developed property (non-single family residential property) in the municipality shall be set by dividing the total square footage of impervious area of the property by one (1) ERU and then multiplying that factor by the base rate for one (1) ERU. The impervious surface area for other developed property is the square footage for the buildings and other improvements on the property. The minimum stormwater management fee for other

developed property shall equal the base rate for single-family residential property.

(d) Base rate. The governing body of the municipality shall establish the base rate for one ERU. The base rate shall be calculated to insure adequate revenues to fund the costs of stormwater management and to provide for the operation, maintenance, and capital improvements of the stormwater system in the city. The base rate will be calculated by dividing the necessary annual revenues for funding the program by the total number of ERUs, as determined by the codes department, and then dividing by twelve (12) months to make the base rate a monthly value.

(e) Adjustments to stormwater user's fee. The department shall have the right on its own initiative to adjust upward or downward the stormwater user's fee with respect to any property, based on the approximate percentage on any significant variation in the volume or rate of stormwater, or any significant variation in the quality of stormwater, emanating from the property, compared to other similar properties. In making determinations of the similarity of property, the Department shall take into consideration the location, geography, size, use, impervious area, stormwater facilities on the property, and any other factors that have a bearing on the variation. Under no circumstances shall a stormwater fee be adjusted to the point that it is below the base rate for one (1) ERU unless the person requesting the adjustment can demonstrate that they do not discharge any stormwater to the MS4 system, in which case the stormwater fee shall be waived.

(f) Property owner to pay stormwater user's fee. For each property for which a stormwater fee is assessed, the stormwater fee shall be paid by the owner of the property. This person shall be designated as the user of the stormwater system.

(g) Stormwater user's fee payment. Payment of the stormwater user's fee shall be made in person or by mail along with the bill to which it is attached. The due date of the stormwater fee shall be as indicated on the bill. The municipality shall be entitled to recover legal fees incurred in collecting delinquent stormwater fees.

(h) Appeal of fees. Any person who disagrees with the calculation of the stormwater user's fee, as provided in this ordinance, or who seeks a stormwater user's fee adjustment based upon stormwater management practices, may appeal such fee determination to the codes department. The appeal shall be filed in writing and shall state the grounds for the appeal. The department may request additional information from the appealing party. Based upon the information provided by the department and the appealing party, the department shall make a final calculation of the stormwater user's fee. The department shall notify the appealing party, in writing, of its decision.

(as added by Ord. #1460, June 2015, and replaced by Ord. #1709, Dec. 2023 ***Ch23_08-06-24***)

TITLE 15

MOTOR VEHICLES, TRAFFIC AND PARKING[1]

CHAPTER

1. MISCELLANEOUS.
2. EMERGENCY VEHICLES.
3. SPEED LIMITS.
4. TURNING MOVEMENTS.
5. STOPPING AND YIELDING.
6. PARKING.
7. ENFORCEMENT.

CHAPTER 1

MISCELLANEOUS[2]

SECTION

15-101. Motor vehicle requirements.
15-102. Driving on streets closed for repairs, etc.
15-103. [Repealed.]
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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[1]Municipal code reference
Excavations and obstructions in streets, etc.: title 16.

[2]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. Issuance of citation at scene of accident.
15-123. Failure to obey citation.
15-124. Compliance with financial responsibility law required.
15-125. Skateboarders must wear protective helmets.
15-126. Use of cell phones in active school zones.
15-127. State statutes adopted by reference.

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. (1972 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. (1972 Code, § 9-106)

15-103. [Repealed.] (1972 Code, § 9-107, as repealed by Ord. #1186, Nov. 2007)

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. (1972 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 municipality 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. (1972 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. (1972 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. (1972 Code, § 9-112)

15-108. Miscellaneous traffic-control signs, etc.[1] It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic-control sign, signal, marking, or device placed or erected by the state or the municipality. (1972 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 Highways,[2] 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 municipality. (1972 Code, § 9-114)

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[1]Municipal code references

Stop signs, yield signs, flashing signals, pedestrian control signs, traffic control signals generally: §§ 15-505--15-509.

[2]This manual may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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. (1972 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. (1972 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. (1972 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. (1972 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. (1972 Code, § 9-120)

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. (1972 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. (1972 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 (½) hour after sunset and one-half (½) hour before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (1972 Code, § 9-123)

15-118. Causing unnecessary noise. It shall be unlawful for any person to cause unnecessary noise by unnecessarily sounding the horn, "racing" the motor, or causing the "screeching" or "squealing" of the tires on any motor vehicle. (1972 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." (1972 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. (1972 Code, § 9-126)

15-121. Damaging pavements. No person shall operate upon any street of the municipality any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels or track is likely to damage the surface or foundation of the street. (1972 Code, § 9-119)

15-122. Issuance of citation at scene of accident. A police officer at the scene of a traffic accident may issue a written traffic citation to the driver of any vehicle involved in an accident when based on personal investigation the officer has reasonable and probable grounds to believe that such person has committed an offense prohibited by the ordinances of the City of Manchester or the law of the State of Tennessee. (1972 Code, § 9-127)

15-123. Failure to obey citation. It shall be unlawful for any person to violate his written promise to appear given to an officer upon the issuance of a traffic citation regardless of the disposition of the charge for which such citation was originally issued. (1972 Code, § 9-128)

15-124. Compliance with financial responsibility law required.

(1) Every vehicle operated within the corporate limits must be in compliance with the financial responsibility law.

(2) At the time the driver of a motor vehicle is charged with any moving violation under title 55, chapters 8 and 10, parts 1-5, chapter 50; any provision of this title of the Manchester Municipal Code; or at the time of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106, the officer shall request evidence of financial responsibility as required by this section. In case of an accident for which notice is required under Tennessee Code Annotated, § 55-10-106, the officer shall request such evidence from all drivers involved in the accident, without regard to apparent or actual fault.

(3) For purposes of this section, "financial responsibility" means:

(a) Documentation, such as the declaration page of an insurance policy, an insurance binder, or an insurance card from an insurance company authorized to do business in Tennessee, stating a policy of insurance meeting the requirements of the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, title 55, has been issued; or

(b) A certificate, valid for one (1) year, issued by the commissioner of safety, stating that a cash deposit or bond in the amount required by the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, title 55, has been paid or filed with the commissioner, or has qualified as a self-insurer under Tennessee Code Annotated, § 55-12-111; or

(c) The motor vehicle being operated at the time of the violation was owned by a carrier subject to the jurisdiction of the department of

safety or the interstate commerce commission, or was owned by the United States, the State of Tennessee or any political subdivision thereof, and that such motor vehicle was being operated with the owner's consent.

(4) It is a civil offense to fail to provide evidence of financial responsibility pursuant to this section, punishable by a civil penalty of up to fifty ($50.00) dollars. The civil penalty prescribed by this section shall be in addition to any other penalty prescribed by the laws of the State of Tennessee or by the Manchester Municipal Code.

(5) On or before the court date, the person charged with a violation of this section may submit evidence of compliance with this section in effect at the time of violation. If the court is satisfied that compliance was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. (as added by Ord. #996, July 2002)

15-125. Skateboarders must wear protective helmets. All persons within the enclosure of the Manchester Skate Park, except recreation department employees, shall at all times wear a protective helmet.

Any person violating this section shall be fined up to twenty-five dollars ($25.00) for each violation.

In addition to said fine, any such person violating this section shall be excluded from using the Manchester Skate Park until such fine or fines imposed pursuant to this section are paid in full.

The director of parks and recreation may exclude any such person from the Manchester Skate Park who has violated this section, whether or not such person has been convicted or assessed a fine hereunder. (as added by Ord. #1212, Nov. 2008)

15-126. Use of cell phones in active school zones. The City of Manchester adopts the provisions of Tennessee Code Annotated, § 55-8-207, including the fine and court cost provisions. (as added by Ord. #1547, Feb. 2018)

15-127. State statutes adopted by reference. The following state statutes are hereby adopted as ordinances of the City of Manchester and incorporated by cross-reference into its code, the violation of which is permissible by a civil fine not in excess of fifty dollars ($50.00):

§§ 55-8-101 through 55-8-131
§§ 55-8-133 through 55-8-191
§ 55-8-193
§ 55-8-195
§ 55-8-199
§§ 55-8-204 through 55-8-205
§ 55-8-207
§ 55-8-306
§§ 55-9-601 through 55-9-603
§ 55-12-139. (as added by Ord. #1563, Dec. 2018 ***Ch20_5-7-19***)

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. (1972 Code, § 9-102)

15-202. Operation of authorized emergency vehicles.[1] (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 lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(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. (1972 Code, § 9-103)

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[1]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. (1972 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. (1972 Code, § 9-105)

CHAPTER 3

SPEED LIMITS

SECTION

15-301. In general.
15-302. At intersections.
15-303. In school zones and near playgrounds.
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. (1972 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. (1972 Code, § 9-202)

15-303. In school zones and near playgrounds. It shall be unlawful for any person to operate or drive a motor vehicle through any school zone or near any playground at a rate of speed in excess of fifteen (15) miles per hour when official signs indicating such speed limit have been posted by authority of the municipality. This section shall not apply at times when children are not in the vicinity of a school and such posted signs have been covered by direction of the chief of police. (1972 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. (1972 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.

15-401. 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.[1] (1972 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. (1972 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. (1972 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. (1972 Code, § 9-304)

15-405. U-turns. U-turns are prohibited. (1972 Code, § 9-305)

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[1]State law reference
Tennessee Code Annotated, § 55-8-143.

CHAPTER 5

STOPPING AND YIELDING

SECTION

15-501. [Repealed.]
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. [Repealed.] (1972 Code, § 9-401, as repealed by Ord. #1186, Nov. 2007)

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. (1972 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 street or crosswalk. This provision shall be effective notwithstanding any traffic-control signal indication to proceed. (1972 Code, § 9-403)

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. (1972 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. (1972 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. (1972 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. (1972 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 municipality 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. (1972 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 municipality, 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. (1972 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,[1] except in an emergency. (1972 Code, § 9-410)

[1]State law reference
Tennessee Code Annotated, § 55-8-143.

CHAPTER 6

PARKING

SECTION

15-601. Generally.
15-602. Angle parking.
15-603. Occupancy of more than one space.
15-604. Where prohibited.
15-605. Loading and unloading zones.
15-606. Handicapped parking.
15-607. Presumption with respect to illegal parking.

15-601. Generally. No person shall park or leave a vehicle parked on any public street or alley for more than twenty-four (24) consecutive hours without the prior approval of the chief of police.

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street. (1972 Code, § 9-501)

15-602. 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 (24) feet. (1972 Code, § 9-502)

15-603. Occupancy of more than one space. No person shall park a vehicle in any designated parking space so that any part of such vehicle occupies more than one 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. (1972 Code, § 9-503)

15-604. 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 (15) feet thereof.
(4) Within fifteen (15) feet of a fire hydrant.
(5) Within a pedestrian crosswalk.
(6) Within fifty (50) feet of a railroad crossing.
(7) Within twenty (20) feet of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five (75) feet of 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. (1972 Code, § 9-504)

15-605. Loading and unloading zones. No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the municipality as a loading and unloading zone. (1972 Code, § 9-505)

15-606. Handicapped parking. Parking will be allowed for only handicapped persons in any marked off parking space either in parking lots open to the public or upon publicly owned or city owned property where the handicapped symbol or a sign limiting parking to handicapped persons is posted, and it shall be unlawful for any person, irregardless of his or her handicap, to stop or park a vehicle in such spaces unless the vehicle bears license plates for handicapped driver or handicapped veterans, or in lieu of the distinguishing license plate for parking purposes, if a distinguishing placard issued by the department of revenue is displayed on the dash of the vehicle. (1972 Code, § 9-508)

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. (1972 Code, § 9-513)

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. Violation and penalty.

15-701. Issuance of traffic citations.[1] When a police officer halts a traffic violator other than for the purpose of giving a warning, and 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 or require a cash bond to be posted in an amount equal to the fine and court costs, if convicted, or allow such person to have the option of depositing his chauffeur's or operator's license with the officer in lieu of bail or any other security required for his appearance to answer such charge before the city court. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1972 Code, § 9-602)

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. (1972 Code, § 9-603)

15-703. Illegal parking. Whenever any motor vehicle is found parked 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. (1972 Code, § 9-604)

15-704. Impoundment of vehicles. Members of the police department are hereby authorized, when reasonably necessary to prevent obstruction of

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[1]State law reference
Tennessee Code Annotated, § 7-63-101, et seq.

traffic, to remove from the streets and impound any vehicle whose operator is arrested, or any 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 claims it, gives satisfactory evidence of ownership, and pays all applicable fines and costs. The fee for impounding a vehicle shall be thirty dollars ($30.00) for any vehicle and/or equipment impounded by the City of Manchester, and a storage cost of thirty dollars ($30.00) per day for each day or part of a day such impounded vehicle or equipment remains impounded and/or in possession of the City of Manchester shall also be charged. These fees may be waived only with the consent of the mayor and finance director upon recommendation of the chief of police. (1972 Code, § 9-601, as amended by Ord. #1349, Nov. 2012)

15-705. 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 citations. (a) Parking meter. If the offense is a parking meter violation, the offender may, within ten (10) days, have the charge against him disposed of by paying to the finance director a fine of one dollar ($1.00) 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 fine shall be three dollars ($3.00).

(b) Other parking violations. For other parking violations, the offender may, within ten (10) days, have the charge against him disposed of by paying to the finance director a fine of three dollars ($3.00) 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 is issued for his arrest, his civil penalty shall be five dollars ($5.00). (As amended by Ord. #808, Jan. 1998)

TITLE 16

STREETS AND SIDEWALKS, ETC[1]

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. RIGHT-OF-WAY ACCEPTANCE.
4. SPECIAL EVENTS AND TEMPORARY STREET CLOSURES.

CHAPTER 1

MISCELLANEOUS

SECTION

16-101. Obstructing streets, alleys, or sidewalks prohibited.
16-102. Trees projecting over streets, etc., regulated.
16-103. Trees, etc., obstructing view at intersections prohibited.
16-104. Projecting signs and awnings, etc., restricted.
16-105. Banners and signs across streets and alleys restricted.
16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
16-107. Littering streets, alleys, or sidewalks prohibited.
16-108. Obstruction of drainage ditches.
16-109. Abutting occupants to keep sidewalks clean, etc.
16-110. Parades regulated.
16-111. Operation of trains at crossings regulated.
16-112. Animals and vehicles on sidewalks, roads and in public areas.
16-113. Animals in parades.

16-101. Obstructing streets, alleys, or sidewalks prohibited. No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (1972 Code, § 12-201)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street, alley or sidewalk at a height of less than fourteen (14) feet. (1972 Code, § 12-102)

16-103. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on

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[1]Municipal code reference
Related motor vehicle and traffic regulations: title 15.

his property any tree, hedge, billboard, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1972 Code, § 12-203)

16-104. Projecting signs and awnings, etc., restricted. Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.[1] (1972 Code, § 12-204)

16-105. Banners and signs across streets and alleys restricted. It shall be unlawful for any person to place or have placed any banner or sign across any public street or alley except when expressly authorized by the governing body. (1972 Code, § 12-205)

16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk. (1972 Code, § 12-206)

16-107. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1972 Code, § 12-207)

16-108. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way. (1972 Code, § 12-208)

16-109. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1972 Code, § 12-209)

16-110. Parades regulated. It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the finance director. No permit shall be issued by the finance director unless such activity will not unreasonably interfere with traffic

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[1]Municipal code reference
Building code: title 12, chapter 1.

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 out his agreement to immediately clean up the resulting litter. (1972 Code, § 12-210, as amended by Ord. #808, Jan. 1998)

16-111. Operation of trains at crossings regulated. No person shall operate any railroad train across any street or alley without giving a warning of its approach as required by state law. It shall be unlawful to stop a railroad train so as to block or obstruct any street or alley for a period of more than five (5) consecutive minutes. (1972 Code, § 12-211, modified)

16-112. Animals and vehicles on sidewalks, roads and in public areas. 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, street, public way or any public area within the city in such manner as to unreasonably interfere with or obstruct pedestrians, traffic or other usual activities occurring upon such sidewalk, street, public way or public area. It shall also be unlawful for any person to knowingly allow any minor under his control to violate this section. Violations of the foregoing shall subject the offender to a fine of up to fifty dollars ($50.00) for each violation. This provision shall be in expansion of and not in limitation of any ordinances prohibiting animals running at large. (1972 Code, § 12-212, as amended by Ord. #1188, Nov. 2007)

16-113. Animals in parades. (1) It shall be unlawful for any person to ride, lead, tie, pull, push or place any animal in a parade whether such parade is sponsored by a private or public organization or is conducted by the city unless such person has received approval of the chief of police and files with the chief of police a sworn statement as to the ownership of the animal and a liability insurance policy naming the owner(s) and rider(s) or handler(s) thereof as insureds.

(2) Violation of the forgoing shall subject the offender to a fine of up to fifty dollars ($50.00) for each violation.

(3) The animal used by any person to violate or attempt to violate the forgoing may be immediately seized and secured by the police department until satisfactory arrangements are made to comply with the foregoing provisions or remove the animal. (as added by Ord. #1188, Nov. 2007)

CHAPTER 2

EXCAVATIONS AND CUTS[1]

SECTION

16-201. Permit required.
16-202. Applications.
16-203. Fee.
16-204. Deposit or bond.
16-205. Manner of excavating--barricades and lights--temporary sidewalks.
16-206. Restoration of streets, etc.
16-207. Insurance.
16-208. Time limits.
16-209. Supervision.
16-210. Driveway curb cuts.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the health and code administrator is open for business, and said permit shall be retroactive to the date when the work was begun. (1972 Code, § 12-101)

16-202. Applications. Applications for such permits shall be made to the codes and health administrator, 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

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[1]State law reference

This chapter was patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the case of City of Paris, Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 388, 340 S.W.2d 885 (1960).

ordinances and laws relating to the work to be done. Such application shall be rejected or approved by the codes and health administrator within twenty-four (24) hours of its filing. (1972 Code, § 12-102)

16-203. Fee. The fee for such permits shall be ten dollars ($10.00) for excavations or tunnels.

This fee shall not be applicable to governmental entities. (1972 Code, § 12-103)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the finance director 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, to insure the proper restoration of the ground and laying of the pavement, except that where the amount of the deposit is clearly inadequate to cover the cost of restoration the finance director 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 municipality of relaying the surface of the ground or pavement, and of making the refill if this is done by the municipality or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the finance director a surety bond in such form and amount as the finance director shall deem adequate to cover the costs to the municipality if the applicant fails to make proper restoration. (1972 Code, § 12-104, as amended by Ord. #808, Jan. 1998)

16-205. Manner of excavating--barricades and lights--temporary sidewalks. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1972 Code, § 12-105)

16-206. Restoration of streets, etc. Any person, firm, corporation, association or others (collectively called contractor) making any excavation or tunnel in or under any street, alley, or public place in this municipality shall restore said street, alley or public place to its original condition. During excavation and after it is completed, the contractor shall backfill the work site before the end of each work day with at least four (4") inches of cold or hot asphalt mix, which shall be checked periodically by the contractor and repaired or refilled, if necessary, until final resurfacing. Final resurfacing must be

completed within sixty (60) days after completion of construction, or within five (5) days after notice from the City of Manchester, whichever occurs first, by repairing the excavation site with concrete or a hot asphalt mix, and to the satisfaction of the City of Manchester, Public Works and Codes Department.

If the street, alley or public place is not restored according to the requirements of this section, the City of Manchester will do the work, and an accurate account of the expense involved shall be kept, and the total cost of the repair shall be charged to such person, firm, corporation or association which made the excavation. (1972 Code, § 12-106, as replaced by Ord. #1089, Jan. 2005)

16-207. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the finance director 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 accident and a $75,000 aggregate. (1972 Code, § 12-107, as amended by Ord. #808, Jan. 1998)

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the municipality if the municipality restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the finance director. (1972 Code, § 12-108, as amended by Ord. #808, Jan. 1998)

16-209. Supervision. The contractor must give notice to the director of public works before excavation begins, immediately prior to, and on the same day, that the excavation is started, and on each day thereafter that any excavation is done, until the work is complete and the street or alley is restored in accordance with this ordinance. The director of public works 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 municipality to see to the enforcement

of the provisions of this chapter. (1972 Code, § 12-109, as replaced by Ord. #1089, Jan. 2005)

16-210. Driveway curb cuts. No one shall cut, build, or maintain a driveway to a public street without first obtaining a permit from the health and codes administrator and complying with these conditions:

(1) The health and codes administrator shall not issue a permit until the director of general services shall have examined the location of the driveway curb cut and specified the minimum diameter and/or length of the driveway tile, which specifications must be met during construction.

(2) A permit shall 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 within the discretion of the health and codes administrator.

(3) Driveway width and location shall be controlled by the zoning ordinance.[1]

(4) Driveway aprons shall not extend out into the street.

(5) If a driveway tile is necessary, it must be installed by the City of Manchester, Department of General Services.

(6) The driveway tile installation fee shall be three hundred dollars ($300.00), plus the cost of the tile if furnished by the city. The installation fee for driveways wider than 20 feet shall be increased by $12.50 per foot in excess of 20 feet, plus the cost of the tile.

(7) If the driveway crosses an existing sidewalk, the sidewalk cut shall be done at the expense of the owner and according to the specifications set out by the director of general services.

(8) The health and codes administrator shall not issue the permit to cut, build or maintain a driveway to the public street until the appropriate installation fee and/or tile cost has been paid to the finance director and a receipt for payment is attached to the permit. (1972 Code, § 12-110, as amended by Ord. #808, Jan. 1998, Ord. #914, Jan. 2001, and Ord. #1295, May 2011)

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[1]The zoning ordinance is of record in the office of the finance director.

CHAPTER 3

RIGHT-OF-WAY ACCEPTANCE

SECTION

16-301. Acceptance of rights-of-way.
16-302. New streets.
16-303. Existing streets.
16-304. Street class.
16-305. Maintenance standards.
16-306. City street list.
16-307. Street closure.

16-301. Acceptance of rights-of-way. All streets that are maintained by the city must be approved as city streets and included on the city street list. (as added by Ord. #768, July 1996)

16-302. New streets. All new streets constructed in the City of Manchester shall be approved in the following manner:

(1) The director of general services must certify to the Manchester Regional Planning Commission that the street meets the minimum roadway standards as specified by the Subdivisions Regulations of the City of Manchester, and

(2) The Manchester Regional Planning Commission must recommend acceptance to the board of mayor and aldermen, and

(3) The street must be accepted and named by resolution of the board of mayor and aldermen, and

(4) The right-of-way must be deeded to the city by the owner of the property, and

(5) The street must be entered into a city street list maintained by the recorder. (as added by Ord. #768, July 1996)

16-303. Existing streets. Existing streets will receive consideration for acceptance by the city if:

(1) The street serves two (2) or more property owners, has been maintained by the city in the past, has direct access to an existing street, and a minimum right-of-way of forty (40) feet, and

(2) The street is expressly dedicated by the owner, or

(3) The street has been open to public travel for a minimum of five (5) years with the permission of the owner, or

(4) The street has been adversely used for more than twenty (20) years, creating a prescriptive right, and

(5) The Manchester Regional Planning Commission must recommend acceptance to the board of mayor and aldermen, and

(6) The street must be accepted by resolution of the board of mayor and aldermen, and

(7) The street must be entered into a city street list maintained by the recorder. (as added by Ord. #768, July 1996)

16-304. Street class. Every street shall be classed by the city at the time it is accepted, and subsequently changed only by resolution of the board of mayor and aldermen. The four street classes shall be as follows:

(1) Class A: Streets that meet or exceed the minimum roadway standards of the City of Manchester at the time they are accepted.

(2) Class B: Paved streets that do not meet minimum roadway standards of the City of Manchester at the time they are accepted.

(3) Class C: Tar and chipped streets.

(4) Class D: Unimproved streets, including gravel roads. (as added by Ord. #768, July 1996)

16-305. Maintenance standards. Accepted streets shall be maintained in the same condition as they are classed. (as added by Ord. #768, July 1996)

16-306. City street list. The recorder shall maintain a city street list which includes:

(1) The name of the street.

(2) The length of the street to the nearest tenth of a mile.

(3) The beginning and ending points of the street.

(4) The width of the right-of-way.

(5) The width of the roadway.

(6) The street class.

(7) Street maintenance and paving records. (as added by Ord. #768, July 1996)

16-307. Street closure. Any city street which has been legally dedicated and accepted for public use may be closed by ordinance if recommended by the Manchester Regional Planning Commission, and, if requested, can be deeded to the adjacent property owner. The expense of closure shall be shared equally between the persons receiving the property. (1972 Code, § 12-213, as renumbered by Ord. #768, July 1996)

CHAPTER 4

SPECIAL EVENTS AND TEMPORARY STREET CLOSURES

SECTION

16-401. Definitions.
16-402. Permit or notice required for special events.
16-403. Application for a permit.
16-404. Time of filing application.
16-405. Barricades, litter collection and sanitary facilities.
16-406. Hold harmless; liability insurance.
16-407. Personnel cost; permit fee; grant program.
16-408. Compliance with laws.
16-409. Conditions in permits.
16-410. Standards for issuance of a permit.
16-411. Issuance or denial.
16-412. Appeals procedure.
16-413. Revocation of a permit.
16-414. Fee schedule

16-401. Definitions. (1) "Amusement ride or amusement attraction" shall be defined as in Tennessee Code Annotated, § 56-38-102, excluding wholly inflatable attractions.

(2) "Private gathering" means a special event that is held on private property and is not open to the public. A private gathering shall not be subject to the requirements of this chapter unless:

(a) A temporary street closure is requested;

(b) Two hundred (200) or more people gather in a residential area during the course of the event or

(c) Five hundred (500) or more people gather during the course of the event

(3) "Special event" shall mean any public gathering such as a block party, local special event, parade, festival, celebration, concert, carnival, fair, exhibits, trade shows or any similar occurrence to be conducted on public or private property within the City of Manchester, Tennessee. Special events occurring entirely within structures that have been approved by the city for occupancy by five hundred (500) or more people shall be exempt from the requirements of this chapter.

(4) "Temporary street closure" shall refer to a condition created by special event or private gathering to be conducted within or on any street or intersection in the City of Manchester, Tennessee that requires any lane of travel be closed for a public safety purpose. Any request for temporary street closure(s) is deemed a request for a special event and requires a special event permit. Any temporary street closure authorized in whole or in part by the city

for municipal purposes, including, but not limited to, conveyance of traffic or travel is exempt from this chapter.

(5) "Board" shall mean a board consisting of the mayor, police chief, fire chief, public works director and finance director, or their respective designees. The board of mayor and aldermen shall be designated as such. (as added by Ord. #1524, April 2017, as amended by Ord. #1539, June 2017)

16-402. Permit or notice required for special events. (1) Notice for private gatherings. No permit shall be required for a private gathering unless a temporary street closure permit is requested; however, seventy-two (72) hours notice to the police and fire departments shall be required. Such notice may be oral and shall contain the date, time and place of the gathering, as well as contact information.

(2) Permit required. No person, firm, corporation or organization shall participate in, advertise for or in any way promote, organize, control, manage, solicit or induce participation in a special event or a private gathering where a temporary street closure is requested unless a special event permit has first been obtained from the city finance director.

(3) No person, firm, corporation or organization shall violate any of the terms of a permit issued for a special event or this article nor join or participate in any permitted activity under this article over the objection of the permit holder nor in any manner interfere with the progress or orderly conduct of a special event.

(4) No permit shall be required for the following:

(a) Events sponsored fifty percent (50%) or greater by the City of Manchester or any of its departments or commissions;

(b) Saturday community market booth sales approved or sanctioned by the Coffee County Commission or appropriate committee of the county commission restricted to sale of the following:

(i) Agricultural commodities, which qualify for inclusion in the "Pick Tennessee Products" program of the Tennessee Department of Agriculture and produced by a member who is participating in that program, or grown within fifty (50) miles of the Coffee County Courthouse sold by the producer or

(ii) Arts, crafts and food stuffs created or prepared by the seller, excepting any liquid or beverage containing ethanol. (as added by Ord. #1524, April 2017)

16-403. Application for a permit. For special events, an application shall be made upon a form provided by the city finance director and shall contain all of the following information.

(1) The name, residence and business address and phone number of each person and organization sponsoring the special event. If an organization, the application shall indicate whether it is authorized to do business within the

State of Tennessee and contain the names, residences and business addresses and phone numbers of the president or chairman.

(2) The date or dates and beginning and ending hours of such special event;

(3) The location, including blocks, streets or intersections, in which such special event will occur and a map of same and indicate where a temporary street closure is required, if any;

(4) The estimated number of persons who will participate;

(5) The purpose or nature of the special event;

(6) Whether parking is requested to be restricted or prohibited during such closure;

(7) Whether any sound amplification equipment is proposed to be used and, if so, information describing such sound amplification. No sound amplification equipment shall be used in anyway contrary to the applicable city ordinance on sound amplification equipment or contrary to the city ordinance on noise;

(8) Whether or not charity, gratuity or offerings will be solicited or accepted or sales of food, beverages, including alcohol or beer, or other merchandise will occur;

(9) Whether any temporary street closure will occupy all or only a portion of the street or intersection involved;

(10) Whether the special event includes any amusement attraction or amusement ride; and

(11) Such other information as the city finance director deems reasonably necessary in order to carry out his duties under this chapter. (as added by Ord. #1524, April 2017)

16-404. Time of filing application. The application shall be filed no less than ten (10) days nor more than three hundred sixty-four (364) days prior to the scheduled beginning date of such special event. (as added by Ord. #1524, April 2017, and amended by Ord. #1539, June 2017)

16-405. Barricades, litter collection and sanitary facilities. When a special event permit is granted and includes a temporary street closure, applicants shall provide and remove such barricades and warning devices as are deemed necessary by and are acceptable to the city finance director. In no event shall any barricades, signs or warning devices fall below the standards in the Manual on Uniform Traffic Control Devices. Applicants shall also provide for the collection and removal, at applicant's expense, of all trash, garbage and litter caused by or arising out of such special event and for adequate sanitary facilities as are deemed necessary by the city finance director. Each applicant shall enter into a written agreement specifying the duties to be performed under this section and the costs to be imposed. Such written

agreement shall be in a form approved by the city attorney and shall be binding after approval by the city finance director. (as added by Ord. #1524, April 2017)

16-406. Hold harmless; liability insurance. Applicants shall agree in writing to assume the defense of and indemnify and save harmless the city, its aldermen, boards, commissions, officers, employees and agents, from all suits, actions, damages or claims to which the city may be subjected of any kind or nature whatsoever resulting from, caused by, arising out of or as a consequence of special event and the activities permitted in connection therewith. The city finance director shall require the applicant to submit a certificate of liability insurance from a Tennessee state-licensed entity prior to the event in an amount no less than one million dollars ($1,000,000.00), depending upon the nature, size and duration of the event, which names the City of Manchester as an additional insured. (as added by Ord. #1524, April 2017)

16-407. Personnel cost; permit fee; grant program. (1) In addition to a permit fee, applicants shall pay to the city the cost of city personnel who are required by the city to work overtime hours or other than regular shift or perform duties during or because of special event. An application for a special event permit shall be accompanied by a permit review fee of twenty-five dollars ($25.00). Governmental entities and federally designated non-profit organizations shall be exempt from permit review fees.

(2) Organizers of events may apply for in-kind support from the City of Manchester, as provided in the "special event grant policy," which is hereby adopted by reference and made a part of this chapter as if fully set forth herein. The reviewing board shall have the authority to administer the special event grant policy and amend its terms as needed. (as added by Ord. #1524, April 2017)

16-408. Compliance with laws. Prior to the issuance of a permit under this chapter, all applicable ordinances and laws shall be complied with and all required permits and licenses shall be secured in connection with such special event, or the proposed activities therewith including, but not limited to, peddling, street vending, charitable solicitations, collections or acceptance of gratuities, the sale of food, beverages, including alcohol or beer, or other merchandise, or the use of candles, torches, fires or other combustibles, or amusement attractions or rides.

16-409. Conditions in permits. (1) Conditions. Any permit granted under this chapter may contain conditions reasonably calculated to reduce or minimize the dangers and hazards to vehicular or pedestrian traffic or to the public health, safety, tranquility, morals or welfare, including, but not limited to, changes in time, duration, numbers of participants or noise levels.

(2) Deposit or bond. The city finance director may also require as a condition of the permit a deposit or bond to cover clean-up or other costs. The amount of the deposit or bond shall be related to the size, nature and duration of the event and shall be refundable, to the extent not exhausted by clean-up, damage and/or other costs. (as added by Ord. #1524, April 2017)

16-410. Standards for issuance of a permit. A permit shall be issued when, from a consideration of the application and from such other information as may otherwise be obtained, all of the following circumstances exist:

(1) The applicant has not knowingly and with intent to deceive, made any false, misleading or fraudulent statements of material fact in the application for a permit or in any other document required pursuant to this chapter;

(2) The application has met the standards in this chapter and paid in advance any fee required and agrees to such conditions as are imposed in the permit;

(3) The time, duration and size of the special event will not substantially disrupt the orderly and safe movement of other traffic or create a public nuisance or danger;

(4) The special event is of a size or nature such that it will not require the diversion of so great a number of public safety officers of the city as to prevent normal public safety protection to the city;

(5) The concentration of persons, vehicles, equipment or facilities will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such special event;

(6) The special event will not unduly interfere with the movement of firefighting equipment on the way to a fire or 911 call;

(7) The special event will not unduly interfere with the orderly operation of parks, hospitals, churches, schools or other public and quasi-public institutions in the city; and

(8) The application has provided reasonable means for informing all persons listed in § 16-403(1) of this chapter and all other persons participating in the special event of the terms and conditions of such permit and all applicable laws. (as added by Ord. #1524, April 2017)

16-411. Issuance or denial. (1) Small special events. A special event where fewer than one thousand (1,000) people gather during the entire course of the event shall be considered a small special event. The board shall have authority to issue or deny a small special event permit. Written notice of the issuance or denial of a permit shall be provided to the applicant within fourteen (14) business days of receipt of a complete application.

(2) Large special events. A special event where one thousand one (1,001) or more people gather during the entire course of the event shall be considered a large special event. Applications for large special events shall be

considered by the board of mayor and aldermen. Applicant must be present at all meetings where the application is considered.

Failure to appear shall constitute good cause for denial of an application. At least ten days prior to any board meeting when a special event permit is to be considered, the applicant shall be given written notice by the city finance director that the application will be considered; such notice to contain the recommendation of the city finance director and staff.

(3) Calculation. For the purposes of this section, the total number of people shall include all special event participants, workers and attendees;

(4) Denial. Applicants must meet the standards for issuance of a permit in order to receive a permit. Additional criteria for denial may include, but are not limited to:

(a) Failure to submit a complete application with supporting documentation;

(b) Previous revocation of a special event permit;

(c) Previous convictions by the persons listed in § 16-403(1), of this chapter for any crime involving moral turpitude, alcohol or drugs within the past ten (10) years;

(d) A finding that the proposed activity or use will unreasonably interfere with the general public's use and enjoyment of the area at the time of the event or in the future due to repetitive use or damage to a public facility;

(e) A finding that the proposed activity or use will unreasonably interfere with or detract from the public health, safety or welfare, or involve violence, crime or disorderly conduct, at least to the extent that can be reasonably foreseen;

(f) A finding that the proposed activity or use will entail extraordinary or burdensome expense or emergency operations by the city; or

(g) A finding that the proposed activity or use will constitute a nuisance to adjoining property owners.

(5) Notice. Written notice of the issuance or denial of a small or large special event permit shall be provided to the applicant within five (5) business days of any final decision. If a permit is denied, said written notice shall state the reasons for denial. (as added by Ord. #1524, April 2017)

16-412. Appeals procedure. An appeal from denial of the permit by the board shall be made in writing to the board of mayor and aldermen. (as added by Ord. #1524, April 2017, and amended by Ord. #1539, June 2017)

16-413. Revocation of a permit. Any permit for a special event issued pursuant to this chapter may be revoked by the city finance director, chief of police, fire chief or fire marshal, or their designees, at any time when, by reason of emergency, disaster, calamity, disorder, riot, extreme traffic conditions,

violation of this chapter or of any permit conditions or undue burden on public services, it is determined that the health, safety, tranquility, morals or welfare of the public or the safety of any person or property requires such revocation in light of all the circumstances. Notice of revocation of a permit shall be delivered in writing to at least one person named upon the permit by personal service or by certified mail or, if the special permit has commenced, orally or in writing, by personal contact or service or by telephone. If the number of people attending the event exceeds the number permitted in the application, it shall constitute an undue burden on public services and the special event permit may be orally revoked. Continuance of a special event after such notice has been delivered is unlawful. Revocation of a permit, for any reason, shall constitute a valid reason for denial of any future special event application by the same persons or any combination thereof listed in § 16-403(1) of this chapter. (as added by Ord. #1524, April 2017)

16-414. <u>Fee schedule</u>. The following fee schedule is established:

(1)	Up to 1,000 people	$25.00
(2)	1,001 - 2,500 people	$50.00
(3)	2,501 - 5,000 people	$100.00
(4)	Over 5,000 people	$500.00. (as added by Ord. #1524, April 2017)

TITLE 17

REFUSE AND TRASH DISPOSAL[1]

CHAPTER
1. REFUSE.

CHAPTER 1

REFUSE

SECTION
17-101. Definitions.
17-102. Premises to be kept clean.
17-103. Storage.
17-104. Location of containers.
17-105. Disturbing containers.
17-106. City functions.
17-107. Frequency of collection.
17-108. Service fees for collection, removal, and disposal.
17-109. Special collection services.
17-110. Billing of service fees.
17-111. Disposal sites; rules and regulations; fees.
17-112. Special rules, regulations, and charges authorized for certain refuse.
17-113. Exceptions.
17-114. Implementing authority of the superintendent.
17-115. Violations.

17-101. Definitions. (1) "Refuse." Refuse shall mean and include garbage, rubbish, leaves, brush, and refuse as those terms are generally defined except that dead animals[2] and fowls, body wastes, hot ashes, rocks, concrete, bricks, and similar materials are expressly excluded therefrom and shall not be stored therewith.

(2) "Superintendent." Superintendent shall mean the superintendent of sanitation. (1972 Code, § 8-201)

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[1]Municipal code reference
Property maintenance regulations: title 13.

[2]Municipal code reference
Dead animals: § 13-105.

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.

(1) It shall be unlawful for the owner or occupant of a business or residential building, structure, or property to utilize the premises of such property for the open storage of any abandoned motor vehicle, ice box, refrigerator, stove, glass, building material, building rubbish, or similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such property clean and to remove from the premises all such abandoned items as listed above, including but not limited to weeds, dead trees, trash, and garbage.

(2) For the purpose of this section, an abandoned motor vehicle is defined as one that is in a state of disrepair or is incapable of being moved under its own power, or which does not have current state registration or a valid license plate attached to it, but shall not include an antique vehicle over twenty-five (25) years old, a vehicle kept within a building so it will not be visible from the street, a junked vehicle on the premises of a business operated in compliance with zoning ordinances or a vehicle stored in a place approved by the Health and Codes Department of the City of Manchester, Tennessee.

(3) Upon notice in writing from the Health and Codes Department of the City of Manchester, Tennessee, served in person or by registered mail on the owner and/or occupant of the property where the item(s) is being unlawfully stored, that person, organization, firm or corporation must comply with this section within ten (10) days from the date of notification. If the owner and/or occupant receiving the notice fails to comply within the specified time, a representative of the health and codes department shall issue a citation directing the owner and/or occupant to appear in the Manchester City Court for failure to comply with this chapter.

(4) Each day the property of an owner or occupant remains in violation of this section constitutes a separate and distinct offense, and the provisions of subsection three (3) of this section can be invoked daily in event of a continuing violation, without necessity of a second written notification or appearance before the committee. (1972 Code, § 8-102, as amended by Ord. #825, June 1998)

17-103. Storage. Each owner, occupant, or other responsible person using or occupying any building or other premises within this city where refuse accumulates, or is likely to accumulate, shall provide and keep covered an adequate number of refuse containers, that shall be used to contain all refuse, as defined in § 17-101 (1), with the exception of empty, intact cardboard boxes which may be placed neatly and safely around said refuse containers. They shall each have a capacity of not less than twenty (20) nor more than thirty-five (35) gallons, except that this maximum capacity shall not apply to larger containers which the city or producers handles mechanically, the combined weight of any manually handled refuse container and its contents shall not exceed seventy-five

(75) pounds. No refuse shall be placed in a refuse container until such refuse has been drained of all free liquids. Containers with severely rusted bottoms, or sides, or holes to such a degree that spillage will occur when lifted, shall not be used to contain refuse and should be disposed of. (1972 Code, § 8-103)

17-104. Location of containers. At such times as shall be scheduled for the collection of refuse therefrom, containers of one hundred fifty (150) gallons or less shall be located on a firm, level surface at the same elevation as the street or alley immediately adjacent to the street line or alley margin. In areas where this is impossible, the container shall be placed on the edge of the street as close to the edge as possible but in no circumstances shall be container be placed in such a manner as to constitute a hazard to vehicles operating on the street or alley. As soon as practicable after such containers have been emptied they shall be removed by the owner to within, or to the rear of, his premises and away from the street line until the next scheduled time for collection. Containers with capacity greater than one hundred fifty (150) gallons shall be placed as designated by the director of general services. (1972 Code, § 8-104, as amended by Ord. #1209, Oct. 2008)

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. (1972 Code, § 8-105)

17-106. City functions. Except as otherwise herein provided only the city shall engage in the business of collection, removing, or disposing of residential refuse within the corporate city limits.

Only the city shall engage in the business of collection, removal or disposal of commercial or industrial refuse; however, when the volume or condition of that refuse is such that the sanitation department personnel and equipment cannot provide normal garbage services, the board of mayor and aldermen may elect not to dispose of the refuse. In this event, the refuse producer shall have the right to contract with a private firm, which must be approved by the city, to dispose of its refuse.

Services, if provided by the city, may be with its own forces, or by contractor. (1972 Code, § 8-106)

17-107. Frequency of collection. Refuse shall be collected from residences once a week and from businesses and other non-residential producers as often as reasonably necessary to protect against health and fire hazards. (1972 Code, § 8-107)

17-108. Service fees for collection, removal and disposal. Fees for the collection, removal and disposal of refuse shall be as set by resolution of the board of mayor and aldermen.

All persons or recipients of the refuse collection services of the City of Manchester, Tennessee shall be relieved from the payment of service fees for the collection, removal and disposal of refuse if said persons are sixty five (65) years of age or over and his annual income from all sources does not exceed that amount computed according to Tennessee Code Annotated, § 67-5-702(2). Those entitled to the benefits of these code sections on the date the ordinance comprising this section is enacted shall remain entitled to the benefits thereof notwithstanding that they are not yet sixty-five (65) years of age. (1972 Code, § 8-108, as amended by Ord. #913, Jan. 2001, and Ord. #1315, Nov. 2011)

17-109. Special collection services. The superintendent may provide other collection and removal services to meet unusual circumstances and conditions, in accordance with regulations and fees recommended by him and approved by the municipal governing body. (1972 Code, § 8-109)

17-110. Billing of service fees. The service fee for collection, removal, and disposal of refuse by the city shall be included as a separate item each month on the bills rendered by the city for water service. The accounts shall be paid monthly at the same time the water bills are paid.

Water service shall be discontinued for failure to pay the refuse service fee by the delinquency date prescribed for the water bill.

In the case of premises containing more than one dwelling unit or place of business, and each is billed separately for water by the city, such fees shall be billed to each person in possession, charge, or control who is a water customer of the city. In the case of premises containing more than one dwelling unit or place of business which are served through a single water meter, so that the occupants cannot be billed separately by the city, the customer responsible for the water bill shall be liable for the refuse service fees for the premises.

Separate refuse service fees per unit shall not be assessed to any residential facility or premises which is wholly-owned by a housing authority created pursuant to Tennessee Code Annotated, § 13-20-401, et seq., or any housing facility which is the beneficiary of Federal Low Income Housing Tax Credits. (1972 Code, § 8-110, as amended by Ord. #1570, April 2019 ***Ch20_5-7-19***, and Ord. #1713, April 2024 ***Ch23_08-06-24***)

17-111. Disposal sites; rules and regulations; fees. It shall be unlawful for any person to dispose of any refuse at any place within the City of Manchester other than at a refuse disposal site designated by the municipal governing body. Refuse disposal sites shall be available for use subject to reasonable rules and regulations and disposal fees approved by resolution of the municipal governing body. (1972 Code, § 8-111)

17-112. Special rules, regulations, and charges authorized for certain refuse. Collection, removal, and disposal of the following types of refuse shall be subject to reasonable rules and regulations and special charges approved by resolution of the municipal governing body:

(1) Building or construction debris.

(2) Trees, tree trimmings, leaves, lawn clippings, etc.

(3) Dangerous materials or substances such as poisons, acids, or caustics, or refuse which is highly infectious or combustible.

(4) Junk automobiles, refrigerators, and other bulk items. (1972 Code, § 8-112)

17-113. Exceptions. Nothing in this chapter shall prevent: (1) Any commercial refuse producer from collecting, removing, and disposing of his own refuse, provided he does so in such manner as not to create a nuisance and provided further that he pays all applicable disposal fees.

(2) Any licensed junk dealer, and/or organization, profit or non-profit, from collection refuse recognized as having sewage value, or that can be recycled or otherwise transformed into a usable substance, provided such dealer, or organization may collect such salvageable, or recyclable material only from premises where he has written invitation from the occupant.

(3) Any refuse producer or owner from selling or giving salvageable materials to licensed junk dealers for collection, removal, and disposal. (1972 Code, § 8-113)

17-114. Implementing authority of the superintendent. The collection, removal, and disposal of refuse from premises in the city shall be under the supervision and control of the superintendent. He shall recommend to the governing body such reasonable rules and regulations, not inconsistent with the provisions of this chapter, as he deems to be necessary or desirable, which shall become effective when approved by resolution of the governing body. (1972 Code, § 8-114)

17-115. Violations. Any person violating or failing to comply with any provision of this chapter or any lawful regulation of the superintendent shall be subject to the penalties provided for in the adopting ordinance for this municipal code. (1972 Code, § 8-115)

TITLE 18

WATER AND SEWERS[1]

CHAPTER
1. WATER AND SEWER EXTENSIONS.
2. WATER AND SEWER RATES.
3. WATER.
4. SEWERS.
5. CROSS CONNECTIONS AND AUXILIARY INTAKES.
6. MANCHESTER HEARING AUTHORITY.
7. MANCHESTER PRETREATMENT ORDINANCE.

CHAPTER 1

WATER AND SEWER EXTENSIONS

SECTION
18-101. Application forms.
18-102. Extensions within corporate limits; applicant's responsibilities.
18-103. Extensions within corporate limits; city's responsibilities.
18-104. Extensions outside corporate limits; applicant's responsibilities.
18-105. Extensions outside corporate limits; city's responsibilities.
18-106. Connections to extensions.
18-107. "Extension" or "extension of service" defined.
18-108. City not required to accept or make extensions.

18-101. Application forms. Application for water and/or sewerage service must be made in writing on the appropriate form. The forms are:

(1) "Application for Utility Service for a Single Customer Property Inside the Corporate Limits of the City of Manchester, Tennessee."

(2) "Application for Utility Service for a Multiple Customer Property Inside the Corporate Limits of the City of Manchester, Tennessee."

(3) "Application for Utility Service for a Single Customer Property Outside the Corporate Limits of the City of Manchester, Tennessee."

(4) "Application for Utility Service for a Multiple Customer Property Outside the Corporate Limits of the City of Manchester, Tennessee."

The application will be completely executed and signed by the owner(s) of the property to be served and will be submitted to the office of the water and sewer commission in an original and three (3) copies. (1972 Code, § 13-201)

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[1]Municipal code references
Building, utility and housing codes: title 12.
Refuse disposal: title 17.

18-102. <u>Extensions within corporate limits; applicant's responsibilities</u>. Any person, persons, firm or corporation to have water and/or sewer service made available to a particular lot, area, or subdivision, within the municipal boundaries of the City of Manchester, Tennessee, shall:

(1) Make application for service on written forms provided by the Water and Sewer Department of Manchester, Tennessee. The application will be completely executed and signed by the owner(s) of the property to be served and will be submitted to the Water and Sewer Commission of the City of Manchester, in an original and three copies.

(2) Each application for service to multiple customer property will be accompanied by four complete sets of detailed plans and specifications for construction of all water and/or sewer facilities to be installed on the property. The proposed construction must be in accordance with standards of the Water and Sewer Department and the design criteria of the Tennessee Department of Environment and Conservation, and the plans and specifications will be subject to the review of the Sanitary Engineering Division of the Tennessee Department of Environment and Conservation. Plans and specifications must be prepared by a qualified professional engineer registered in the State of Tennessee.

(3) Each application for service to multiple customer property must be accompanied by four (4) copies of the proposed subdivision of the property as approved by the Manchester Municipal Planning Commission.

(4) If the application for water and sewer service is approved by the Water and Sewer Commission of the City of Manchester, the person, persons, firm or corporation shall:

(a) Secure bids from competent and reliable contractors for the furnishing of all materials, labor and service necessary for the construction of all necessary extensions of water and/or sewer lines and distribution system. The bids so submitted shall be subject to review by the Water and Sewer Commission of the City of Manchester, Tennessee.

(b) At own expense, construct all extensions of water and/or sewer lines and distribution system in accordance with the specifications and plans approved by the Water and Sewer Commission of the City of Manchester, Tennessee, in a good workmanlike manner and furnish all materials, labor and services, therefor. The Water and Sewer commission of the City of Manchester shall from time to time during installation and construction of said extensions and system, inspect the quality and thoroughness thereof.

(c) Upon the completion of the construction of said extensions and distribution system, furnish to the Water and Sewer Commission of the City of Manchester, evidence that all bills and charges for labor and materials and other services used in the construction have been paid.

(d) Furnish, to the City of Manchester, a written statement from a duly licensed and competent engineer that the installation and construction conforms to all specifications and that he has approved it.

(e) Upon acceptance of said system by the Water and Sewer Commission of the City of Manchester, transfer and convey, by a written instrument, the extension and the distribution system to the city free from all liens of every kind. (1972 Code, § 13-202, as amended by Ord. #807, Jan. 1998)

18-103. Extensions within corporate limits; city's responsibilities. The City of Manchester shall do and be responsible for the following things:

(1) Upon the completion of the extension and distribution system, the construction will be inspected by the water and sewer department at the expense of said department. Upon acceptance by the water and sewer commission, the extension and said distribution system will become the property of the Water and Sewer Department of the City of Manchester and will be operated and maintained by the department.

(2) The City of Manchester shall participate in the extension and corporate installation of water and sewer services inside the boundaries of the City of Manchester, only to the extent as provided as follows:

(a) Furnish water meters at no cost to the person, persons, firm or corporation constructing the extension and distribution system.

(b) Furnish inspection services of the facilities being installed from time to time.

(c) Give free tapping permits to the person, persons, firm or corporation bearing the cost of the installation or extension of lines or distribution system.

(3) In the event the water and sewer commission requires the installation of larger than six inch water mains or eight inch sewer lines because of anticipated additional expansion, extension, or fire protection, the city will pay the differential in the actual cost of materials between a six inch water main and eight inch sewer line and the required larger mains or lines.

The total cost of all water and/or sewer system extension or distribution system is to be paid by the person, persons, firm or corporation requesting and making said extension and additions, except as set forth above. This is meant to include all mains, valves, manholes, house connections, service lines, pumping stations, or other facilities as required to meet the standards of the water and sewer commission.

(4) The city shall participate in the extension and installation of water and/or sewer lines as set forth above, except in such cases where the extension and installation of water and/or sewer lines does not exceed the minimum city tap fee or charge and in that event, no free tap fee, water and/or sewer will be furnished or given by the city. (1972 Code, § 13-203)

18-104. Extensions outside corporate limits; applicant's responsibilities. Any person, persons, firm or corporation desiring to have

water and/or sewer service made available to a particular lot, area, or subdivision outside the municipal boundaries shall:

(1) Make application for service on written forms provided by the Water and Sewer Department of Manchester, Tennessee. The application will be completely executed and signed by the owner(s) of the property to be served and will be submitted to the Water and Sewer Commission of the City of Manchester, in an original and three (3) copies.

(2) Each application for service to property will be accompanied by four (4) complete sets of detailed plans and specifications for construction of all water and/or sewer facilities to be installed on the property. The proposed construction must be in accordance with the standards of the water and sewer department and the design criteria of the Tennessee Department of Environment and Conservation and the plans and specifications will be subject to the review of the Tennessee Department of Environment and Conservation. Plans and specifications must be prepared by a qualified professional engineer registered in the State of Tennessee.

(3) Each application for service to multiple customer property must be accompanied by four (4) copies of the proposed subdivision of the property as approved by the Manchester Municipal Planning Commission.

(4) If the application for water and sewer service is approved by the Water and Sewer Commission of the City of Manchester, the person, persons, firm or corporation shall:

(a) Secure bids from competent and reliable contractors for the furnishing of all materials, labor and services necessary for the construction of all necessary extensions of water and/or sewer lines and distribution system. The bids so submitted shall be subject to review by the Water and Sewer Commission of the City of Manchester, Tennessee.

(b) At own expense, construct all extensions of water and/or sewer lines and distribution system in accordance with the specifications and plans approved by the Water and Sewer Commission of the City of Manchester, Tennessee, in a good workmanlike manner and furnish all materials, labor and services therefor. The Water and Sewer Commission of the City of Manchester shall from time to time during installation and construction of said extensions inspect the quality and thoroughness thereof.

(c) Upon the completion of the construction of said extensions and distribution system, furnish to the Water and Sewer Commission of the City of Manchester evidence that all bills and charges for labor and materials and other services used in the construction have been paid.

(d) Furnish to the City of Manchester a written statement from a duly licensed and competent engineer that the installation and construction conforms to all specifications, and that he has approved the same.

(e) Upon acceptance of said system by the Water and Sewer Commission of the City of Manchester, transfer and convey by a written instrument, the extension and distribution system to the city free from all liens of every kind. (1972 Code, § 13-204, as amended by Ord. #807, Jan. 1998)

18-105. Extensions outside corporate limits; city's responsibilities. The City of Manchester or the water and sewer commission of the city shall not participate in the cost of the extension of lines and/or a distribution system outside the corporate limits except in the following manner:

(1) It may construct main lines along primary roads or connector lines along secondary roads where it is suitable, financially feasible and the City of Manchester Water and Sewer Department can provide reliable service, and when it is included in the long range plans of the city and approved by the board of mayor and aldermen.

(2) It may furnish and install water and/or sewer connections for approved extensions at actual cost.

(3) It may install lines into existing subdivisions and other non-qualifying areas at actual cost, to be paid by the person, persons, firm or corporation requesting said extension, in advance. (1972 Code, § 13-205, as amended by Ord. #761, April 1996)

18-106. Connections to extensions. In the event the person, persons, firm or corporation making extension of water and/or sewer trunk lines and distribution system, either inside or outside the corporate boundaries of the city, shall go over, under, upon, adjacent or near any property now owned by it or serviced by city water and/or sewer service, the owner or owners of the property not serviced or participating in the payment of the construction of extensions and distribution system shall not be allowed by the city to tap on to or connect to said water and/or sewer trunk lines, extensions or distribution system, without first paying to the person, persons, firm or corporation so paying the cost of said additions, the pro rata cost of same. The amount and method of determining the pro rata costs shall be decided by the Water and Sewer Commission of the City of Manchester, Tennessee. The foregoing provisions of this section shall apply only for a period of ten (10) years from the date of acceptance by the City of Manchester of the extensions of water and/or sewer trunk lines and distribution system. The recovery rights given to the party extending a water or sewer line are non-assignable. (1972 Code, § 13-206)

18-107. "Extension" or "extension of service" defined. "Extension" or "extension of service" is defined as that of sewer or water mains required to provide connections from the existing water and/or sewer facilities of the City of Manchester to a feasible point of entry to the property to be served. The necessary extensions and point of connection to the existing water and/or sewer

facilities shall be determined by the Water and Sewer Commission of the City of Manchester. (1972 Code, § 13-207)

18-108. City not required to accept or make extensions. Nothing set forth above shall be construed to require the City of Manchester to accept any proposed extensions or to provide any extension to the Water and/or Sewer System of the City of Manchester, without the approval of the Water and Sewer Commission of the City of Manchester and concurrence of the Board of Mayor and Aldermen of the City of Manchester. (1972 Code, § 13-208)

CHAPTER 2

WATER AND SEWER RATES

SECTION

18-201. Monthly payments for water and sewer services required.
18-202. Deposit to accompany application for water service.
18-203. Tap fees, service discontinued for cause, charges for reinstatement of service.
18-204. Authority for making connections and turning services on and off; customer's responsibility for giving notice to discontinue service.
18-205. Rates for water and sewerage service.
18-206. Basis for determination of charges.

18-201. Monthly payments for water and sewer services required. Every water customer shall pay the established rates for water supplied on or before the due day on the bill. If payment is not received before the next day of the month a charge of ten percent (10%) will be added to the net bill (both water and sewer), and if not paid within forty-five (45) days after due date the water will be cut off and shall not be turned on again until all arrearages (both water and sewer) shall have been paid in full and the customer shall have paid a sum of $35.00 for turning the water on again; said $35.00 charge to be applicable to and payable where it has been necessary for authorized personnel of the water and sewer commission to travel to the customer's premises for the purpose of cutting the water off and said personnel upon arrival accepting payment of all charges and arrearages. Failure of the customer to receive the bill will not be considered an excuse for non-payment. (1972 Code, § 13-301, as amended by Ord. #1686, April 2023 ***Ch22_04-04-23***)

18-202. Deposit to accompany application for water service. Any application to have water turned on shall be made in writing to the water and sewer commission and shall contain an agreement by the applicant to abide by and accept all of the provisions of this chapter, and all amendments thereto.

Service connections, or deposits shall be as follows:

(1) For temporary service, up to a maximum of thirty (30) days, there shall be a non-refundable service connection fee of fifteen ($15.00) dollars. If service is not terminated within thirty (30) days, the fee for permanent service will be charged.

(2) For each permanent service or when an existing customer transfers the service to a new location, there shall be a non-refundable service connection fee of thirty-five ($35.00) dollars.

(3) In addition to the non-refundable service connection fee, applicants for residential service must post a deposit of one hundred fifty dollars ($150.00) when requesting service. Residential property owners will be exempted from

the deposit requirement upon providing evidence of ownership of the property served, subject to the provisions of subsection (6), below.

(4) Business, commercial or industrial users are required to post a deposit of two (2) times its average monthly billing prior to receiving water service.

(5) Upon termination of water service, all deposits currently held by the water and sewer department shall be first applied toward payment of any outstanding indebtedness owed to the department, and any remaining portion of the deposit shall be refunded to the customer.

(6) The director of the water and sewer department, with the concurrence of the water and sewer commission, and after a due process hearing, may require a residential customer to post a deposit of two (2) times its average monthly billing, or a business, commercial or industrial customer to increase its deposit to an amount in excess of two (2) times its average monthly billing whenever the customer has proven to be an unreliable credit risk as evidenced by one of the following conditions: The customer has moved and left unpaid delinquent bills and has reapplied for service; the customer has left a bill unpaid for so long that the department has applied the deposit and rendered a final bill; or the customer's service has been cut off for delinquency three (3) times. The director of water and sewer may refuse additional service to the customer until the required deposit is paid. (1972 Code, § 13-302, as amended by Ord. #786, June 1997, replaced by Ord. #846, April 1999, and Ord. #958, Oct. 2001, and amended by Ord. #964, Dec. 2001, Ord. #1088, Jan. 2005, and Ord. #1291, Jan. 2011)

18-203. <u>Tap fees, service discontinued for cause, charges for reinstatement of service</u>.

(1) <u>Tap fees inside and outside city</u>. All applicants for new water and sewer service shall state on the application form the use to which the water is to be applied; residential, restaurant, small business or commercial, etc. Tap fees will be as follows:

(a) Residential inside city.
  (i) Water, (3/4' service) $1,500.00.
  Over 3/4' service computed at cost.
  (ii) Sewer, (4' connection) $2,000.00.
  Over 4' connection computed at cost.

(b) Residential outside city.
  (i) Connections for water and sewer shall be one and one half (1 1/2) times the inside rate.
  (ii) Road bores, street cuts or manhole core drillings shall be at an additional charge (computed at cost) to the customer.

(c) Restaurant inside city.
  (i) Water, (3/4' service) $1,500.00.
  Over 3/4 service computed at cost.

(ii) Sewer, (4' connection) $2,000.00.
Over 4' connection computed at cost.

(iii) Road bores over 50', street cuts over 50', manhole core drillings over 4" shall be at an additional charge (computed at cost) to the customer.

(d) Restaurant outside city.

(i) Connections for water and sewer will be one and one-half (1 1/2) times the inside rate.

(ii) Road bores over 50', street cuts over 50', manhole core drillings shall be at an additional charge (computed at cost) to the customer.

(e) Small business (10 employees or less) inside city.

(i) Water - Cost of equipment, material and manhours.

(ii) Sewer - (4" connection) $1,000.00. Over 4" connection shall be at cost of equipment, material and manhours.

(iii) Road bores over 50', street cuts over 50', or manhole core drillings over 4" shall be at an additional charge (computed at cost) to the customer.

(f) Small business (10 employees or less) outside city.

(i) Connections for water and sewer shall be one and one-half (1 1/2) times the inside rate.

(ii) Road bores over 50', street cuts over 50', manhole core drillings shall be at an additional charge (computed at cost) to the customer.

(g) Commercial (more than 10 employees) inside city or inside Coffee County Industrial Park.

(i) Water - cost of equipment, material and manhours.

(ii) Sewer - (4" connection) $1,000.00.
Over 4" connection shall be at cost of equipment, material and manhours.

(iii) Road bores over 50', street cuts over 50' or manhole core drillings over 4" shall be at an additional charge (computed at cost) to the customer.

(h) Commercial (more than 10 employees) outside city or outside Coffee County Industrial Park.

(i) Connection for water and sewer shall be one and one half (1 1/2) times the inside rate.

(ii) Road bores over 50', street cuts over 50', manhole core drillings shall be at an additional charge (computed at cost) to the customer.

(i) City, county and federal buildings.

(i) Water - cost of equipment, material and manhours.

(ii) Sewer - cost of equipment, material and manhours.

(iii) Road bores, street cuts or manhole core drillings shall be at an additional charge (computed at cost) to the customer.

(2) Service discontinued for cause. (a) Service may be discontinued and locked off for misrepresentation on the application for service, non-payment of water/sewer bills, bad checks or checks written on accounts with insufficient funds, any violation of title 18 of the Manchester Municipal Code or any violation of the State of Tennessee Department of Environment and Conservation regulations and/or applicable sections of the Tennessee Code.

(b) Capacity fees. Upon Tennessee Department of Environment and Conservation (TDEC) approval, a new development capacity fee will be charged for wastewater at one thousand dollars ($1000.00)/SFU (single family unit, or equivalent). Capacity fees for hotels and motels shall be based on the number of guestrooms, divided in half and rounded up to the nearest whole number, and multiplied by the applicable fee. Capacity fees for new commercial/industrial facilities shall be based on data from similar facilities, standard design criteria, and or other published data, with the basis of two hundred (200) gallons per day equivalent to one SFU, rounded up to the next highest whole number and multiplied by the applicable fee.

(3) Charges for reinstatement of services. When water service has been turned off for cause, service will not be reinstated until the cause has been corrected. There will be a $20.00 charge for returned checks. In addition, there will be a fee of $35.00 for reinstatement of services during working hours or $55.00 for reinstatement of services after hours. All past charges and fees must be paid before service is reinstated. Service will not be discontinued for cause on Fridays, or the day before a legal holiday, and it will not be reconnected after dark. (1972 Code, § 13-303, as amended by Ord. #785, June 1997, Ord. #807, Jan. 1998, Ord. #847, April 1999, Ord. #1418, April 2014, Ord. 1665, Oct. 2022 ***Ch22_04-04-23***, and Ord. #1685, April 2023 ***Ch22_04-04-23***)

18-204. Authority for making connections and turning services on and off; customer's responsibility for giving notice to discontinue service. No person except the manager of the water and sewer department or his representatives shall make any connection to the water or sewer mains or turn water on for use nor shall any person whose water has been cut off for any violation of the water or sewer regulations or for failure to pay his water or sewer rent be allowed to turn the water on again. No meter shall be disconnected from the pipe, moved, or disturbed without permission from the manager who will send a properly authorized person to attend to any change needed. It is the duty of the consumer to notify the water department of any change of address. If at any time a person vacates the premises that person must notify the water department office; otherwise, the water rent may be

charged to and collected from him until such time as notification is received in the water department office. (1972 Code, § 13-304)

18-205. Rates for water and sewerage service. Effective January 1, 2022, water and sewer rates within the corporate limits shall be:

	Water	Sewer
Up to and including 2,000 gallons	$10.97 minimum	$13.78 minimum
For the next 98,000 gallons	$5.49/1,000 gal.	$6.89/1,000 gal.
All over the next 100,000 gallons	$4.36/1,000 gal.	$5.49/1,000 gal.
Unmetered residential customers		$32.81/minimum

The multipliers for service outside the corporate limits shall be applied to these rates.

These rates are supplementary to those rates adopted in Ordinance 1229. Nothing herein is intended to repeal any part of Ordinance 1229 but merely restates those rates and adopts rates for the periods beginning July 1, 2010 and July 1, 2011, as set forth herein.

Outside the corporate limits, industrial water and sewer rates will be one and one-half (1 1/2) times the inside rates, listed above. Residential and commercial rates will be two (2) times the inside rates, listed above.

Persons who do not connect to an accessible water supply within thirty (30) days after receiving notice from the Water and Sewer Commission, as required by § 18-301, shall be charged a "ready to serve charge," and persons or who do not connect directly with the proper public sewer within ninety (90) days after the date of official notice, as required by § 18-404 shall be charged the scheduled rate for sewer usage based on metered water usage if connected to water and not to sewer, or if not connected to water, a "ready to serve charge." Failure to pay these charges can result in discontinuation of other city services, may be collected by suit in city court, or may be added as additional charges to the real property taxes of the owner.

The monthly "ready to serve charge" shall be calculated by multiplying the current tap fee cost by ten (10%) percent and dividing by 12 months, and adding the minimum bill for water or sewer service, as the case might be. If the person has already purchased and paid a tap fee, then the "ready to serve charge" shall be limited to the minimum bill.

All city residents receiving, or who could receive water and sewer services provided by the City of Manchester, Tennessee, who are sixty five (65) years of age or older and who have an annual income from all sources not exceeding that amount computed according to Tennessee Code Annotated, § 67-5-202(2) shall receive a ten (10%) percent discount on the net amount of their water and sewer billing, or if applicable, a waiver of the "ready to serve charge" imposed by this section, so long as their private septic disposal system is functioning properly. Those entitled to the benefits of these code sections on the date the ordinance

comprising this section is enacted shall remain entitled to the benefits thereof notwithstanding that they are not yet sixty-five (65) years of age.

A fire protection charge will be assessed for fire hydrants at the rate of one hundred fifty ($150.00) dollars per year.

Customers maintaining a sprinkler system served by city water shall be required to enter into a contract with the City of Manchester for the sprinkler service, which will specify the fee structure, the number of sprinkler heads, and which shall specify the owners responsibility for immediate corrective action in the event of water leaks.

The annual fee for fire protection sprinkler systems shall be established as follows:

Area Protected	Surcharge	Annual Fee
0 to 10,000 sq. ft.	$25.00 plus	$1.00/sprinkler head
10,000 to 25,000	$50.00 plus	$1.00/sprinkler head
25,000 to 50,000	$80.00 plus	$1.00/sprinkler head
50,000 and over	$100.00 plus	$1.00/sprinkler head

Charges for acceptance of domestic septic tank waste delivered by vehicle shall be measured by tank capacity, regardless of whether the tank is full, and not as set forth in § 18-206. The charge for acceptance of domestic septic tank waste shall be sixty-seven dollars ($67.00) per one thousand (1,000) gallons or part thereof; however, if the tank capacity is less than five hundred (500) gallons, the charge shall be thirty-two and one-half dollars ($32.50). (1972 Code, § 13-305, as amended by Ord. #832, Sept. 1998, Ord. #848, April 1999, Ord. #952, Oct. 2001, Ord. #1007, Sept. 2002, Ord. #1229, May 2009, Ord. #1234, June 2009, Ord. #1315, Nov. 2011, Ord. #1329, May 2012, Ord. #1429, July 2014, Ord. #1506, Dec. 2016, Ord. #1655, July 2022 ***Ch21_07-05-22***, and Ord. #1695, Aug. 2023 ***Ch23_08-06-24***)

18-206. Basis for determination of charges. Charges shall be based on the amount of water sold as determined by meter measurement (both water and sewer). In the event that sewer, but not water, service is provided a residential customer the sewer service charge shall be the average residential charge for sewer service as determined by the director. The director may revise this charge from time to time based on either a change in the average residential usage and/or actual measurements of this sewerage flow.

Installations or customers, other than residential, which discharge additional sewerage flows to the city system other than that provided through metered water service shall be required to meter the additional discharge (size and location to be determined by the director) and will be charged based on this metered amount in addition to the monthly sewer charge set forth above. The customer is to furnish, install, maintain and, as decided by the director,

calibrate the meter(s) required. The director may determine this additional sewer discharge to be an extraneous flow and charge the customer as provided below.

Upon determination that a sewer customer is permitting extraneous flow (storm water runoff, storm drainage, groundwater, un-metered water of any source or nature, etc.) to enter the city's wastewater treatment facilities, the city will make a measurement of such flow during wet weather, or time as determined by the director, and thereafter the charge for sewer services will be based upon the flow measured at that time on a demand treatment capacity basis or upon any subsequent measurement indicating a greater demand. A monthly sewer charge determined upon this basis will be in addition to the monthly sewer charge set forth above and can be reduced, or modified, upon and to the extent of satisfactory demonstration to the city that the source of the extraneous flow into the customer's sewer service lines have been eliminated or measured. (1972 Code, § 13-307, as renumbered by Ord. #849, April 1999)

CHAPTER 3

WATER

SECTION

18-301. When a connection to the water facilities is required.
18-302. Installation or change of water service pipes.
18-303. Water consumers to maintain water pipes properly, allow inspections and indemnify city.
18-304. Stop cocks required for water service lines.
18-305. Water meters required.
18-306. Maintenance of water meters; failure of meter to register.
18-307. City not liable for damages resulting from discontinuing water service.
18-308. Fluoridation of water supply.
18-309. Swimming pools.
18-310. Water theft.

18-301. When a connection to the water facilities is required. Whenever an accessible treated water supply of the city exists, all persons shall, within thirty (30) days of receiving notice from the water and sewer commission, make proper and permanent connections to said city water supply and shall remove all unauthorized cross-connections, auxiliary intakes, by passes or interconnections required in other sections of this code. Any property owner and/or owners who shall fail or refuse to comply with such notice shall be guilty of a misdemeanor. (1972 Code, § 13-401)

18-302. Installation or change of water service pipes. In every case the installation of the service pipe from the street main to the meter shall be made by the water department. No person or persons shall make any change in the service pipe between the main and the meter unless authorized to do so by the manager or persons authorized by him or the water commission. (1972 Code, § 13-402)

18-303. Water consumers to maintain water pipes properly, allow inspections and indemnify city. Every water consumer shall keep the water service pipes within his premises in good order and repair and well protected so as to prevent leaking or freezing. Pipes shall be laid out not less than eighteen (18) inches under the ground, and where exposed, the pipe shall be furnished with stop and waste cocks. The water-taker shall not conceal the purpose for which his water is used. He shall allow the manager or persons authorized by him or the water commission to enter the premises supplied with water to examine the pipes and fixtures and ascertain the quantity of water used and the manner of its use. He shall also indemnify the city for all damages it may

sustain or be required to pay in consequence of any injury resulting from any violation of these regulations by the water-taker. (1972 Code, § 13-403)

18-304. Stop cocks required for water service lines. Every water service line shall be provided with a satisfactory and easily accessible stop cock with coupling (this stop shall be the same size as the service pipe) to be located always between the meter and the first branch of the main service. (1972 Code, § 13-404)

18-305. Water meters required. One water meter must be installed for each building served by a water service connection, unless hereinafter excepted. The meter location shall be between the curb and the building at a place specified by the water department, and must accommodate the same size or larger than the service line. The meter and all material used in the service line shall become the property of the City of Manchester.

The one meter for each building requirement shall apply equally to either a residential or a commercial service. The following uses shall be excepted:

(1) Apartment houses, hotel or motels;

(2) Governmental or school buildings;

(3) Churches;

(4) A business operating in more than one building, but on adjoining sites and under the same name and business license;

(5) Accessory residential structures;

(6) Two (2) or more users in the same structure, even if one is residential and the other is commercial.

This section shall apply only to a new construction, or additions to an existing service requested after the effective date of this chapter, and not to uninterrupted existing services. New or additional services shall be denied until the meters are brought into compliance with this section. If water service is discontinued, it shall not be reconnected until the customer has complied with the provisions of § 18-203 (3). (Ord. #749, Nov. 1995)

18-306. Maintenance of water meters; failure of meter to register. The consumer must keep the meter within his premises easily accessible for reading at all times. The water department will include all repairs due to ordinary wear in its rental charge, but in all cases the consumer will be held responsible for proper protection of the meter from all damage which may occur due to freezing or from hot water backing from the over-heated house boilers or from any other cause. The consumer shall pay the established meter rate for the amount of water registered whether used or wasted. The water department will assume no responsibility for use of water within metered premises.

Should the meter fail to register for any cause, the quantity used shall be determined and the charge made based on the average amount registered by the meter when in good order. (1972 Code, § 13-406)

18-307. City not liable for damages resulting from discontinuing water service. No water-taker shall be entitled to any damages nor will any portion of a payment be refunded for any sudden stoppage of the city water supply occasioned by an accident or otherwise, or for any stoppage for the purpose of making extensions, alterations, or repairs, or any shut-off for non-payment of service charges. In such an event water-takers must guard themselves against the collapse of boilers, damage to electric heaters, and other injuries liable to result from stoppage of the water supply. (1972 Code, § 13-407)

18-308. Fluoridation of water supply. The water department is hereby authorized and instructed to make plans for the flouridation of the water supply of the city, to submit such plans to the Department of Public Health of the State of Tennessee for approval, and upon approval to add such chemicals as fluoride to the water supply in accord with such approval as will adequately provide for the fluoridation of the city water supply.

The cost of such fluoridation will be borne by the revenues of the water department. (1972 Code, § 13-408)

18-309. Swimming pools. The use of fire hydrants for filling swimming pools is prohibited, except when authorized by the water and sewer department.

A request must be filed with the water and sewer department at least seventy-two (72) hours prior to service. The request must contain the customers name, address, and telephone number, and if the person requesting the service is not a customer of the water and sewer department, a fee as determined by the water and sewer commission must be paid at the time of the request.

The charge for filling a swimming pool during normal working hours, Monday through Friday, except on holidays shall be a non-refundable service connection fee of thirty-five ($35.00) dollars, plus the water rate charges included in § 13-305 of this code. If an employee(s) is required to work after 4:00 P.M., a charge of $20.00 per hour, per man will be added. For filling after hours, or on a weekend or a holiday, the minimum charge will be $55.00 per man, with an additional charge of $20.00 per hour, per man, for any work in excess of two (2) hours. (1972 Code, § 13-410, as amended by Ord. #1069, Aug. 2004)

18-310. Water theft. 1. It shall be unlawful for any person or business to:

a. Tap or connect to any city water main without permission of the Manchester Water and Sewer Department, or

b. Take, use, or consume any water from a city water main unless the water is property metered by a device installed and approved by the City of Manchester Water and Sewer Department, or

c. Tamper with any water meter, or any fittings or fixtures on that meter, including but not limited to installing or using any pipe, bypass, cutoff or other device to interfere with the approved installation

or the normal operation of the meter regulating the quantity of water consumed, or

d. Make any connection to a fire hydrant, flushing hydrant or flushing valve without the permission of the City of Manchester Water and Sewer Department.

2. Any person or business found to be in violation of this section shall be imposed the following civil penalties:

a. The cost of the estimated usage of water as determined by the director of the water and sewer department and a civil penalty of up to $250.00 on the first offense.

b. The cost of the estimated usage of water as determined by the director of the water and sewer department, an assessment equal to the full cost of a current tap fee and a civil penalty of up to $500.00 for the second offense by the same person or at the same location.

c. The cost of the estimated usage of water as determined by the director of the water and sewer department, as assessment equal to the full cost of a current tap fee, and a civil penalty of up to $1,000.00 for the third or subsequent offense by the same person or at the same location.

3. Upon notice and hearing, the water and sewer department may discontinue any future service to the persons of businesses found to have violated this section. (as added by Ord. #896, Aug. 2000)

CHAPTER 4

SEWERS

SECTION

18-401. Definitions.
18-402. Abbreviations.
18-403. Sewer service may be refused, restricted, etc., under various circumstances.
18-404. Use of public sewers required.
18-405. Private sewage disposal.
18-406. Building sewers and connections.
18-407. General discharge regulations.
18-408. Acceptance of domestic septic tank waste delivered to the wastewater treatment plant.
18-409.--18-429. [Deleted.]

18-401. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

(1) "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.

(2) "Approval authority." The director in an NPDES state with an approved state pretreatment program and the administrator of the EPA in a non-NPDES state of NPDES state without an approved state pretreatment program.

(3) "Authorized representative of industrial user." An authorized representative of an industrial user may be:

(a) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;

(b) A general partner or proprietor if the industrial user is a partnership of proprietorship, respectively;

(c) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

(4) "Biochemical Oxygen Demand (BOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l).

(5) "Building sewer." A sewer conveying wastewater from the premises of a user to the POTW.

(6) "City." The City of Manchester or the Board of Mayor and Aldermen of the City of Manchester.

(7) "Cooling water." The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

(8) "Control authority." The term "control authority" shall refer to the "approval authority," defined hereinabove; or the manager if the city has an approved pretreatment program under the provisions of 40 CFR, 403.11.

(9) "Direct discharge." The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.

(10) "Environmental Protection Agency, or EPA." The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of the said agency.

(11) "Grab sample." A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

(12) "Holding tank waste." Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

(13) "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 discharged into the system).

(14) "Industrial user." A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402, of the Act (33 U.S.C. 1342).

(15) "Interference." The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the city's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

(16) "Manager." The person designated by the city to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative.

(17) "National Pollution Discharge Elimination System or NPDES permit." A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

(18) "National prohibitive discharge standard or prohibitive discharge standard." Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.

(19) "Person." Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

(20) "pH." The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

(21) "Pollution." The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(22) "Pollutant." Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical substances, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

(23) "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. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the (city who are, by contract or agreement with the (city)) users of the (city's) POTW.

(24) "POTW treatment plant." That portion of the POTW designed to provide treatment to wastewater.

(25) "Shall" is mandatory; "May" is permissive.

(26) "State." State of Tennessee.

(27) "Standard Industrial Classification (SIC)." A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

(28) "Storm water." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(29) "Suspended solids." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

(30) "TDEC." Tennessee Department of Environment and Conservation.

(31) "Toxic pollutant." Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA (307 (a)) or other Acts.

(32) "User." Any person who contributes, causes or permits the contribution of wastewater into the city's POTW.

(33) "Wastewater." The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and

institutions, whether treated or untreated which is contributed into or permitted to enter the POTW.

(34) "Wastewater contribution permit." As set forth in § 18-416 of this chapter.

(35) "Water of the State." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface of underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

(1972 Code, § 13-501, as amended by Ord. #807, Jan. 1998, and Ord. #1452, April 2015)

18-402. Abbreviations. The following abbreviations shall have the designated meanings:

BOD	-	Biochemical oxygen demand.
CFR	-	Code of federal regulations.
COD	-	Chemical oxygen demand.
EPA	-	Environmental Protection Agency.
l	-	Liter.
mg	-	Milligrams.
mg/l	-	Milligrams per liter.
NH_3-N	-	Ammonia.
NPDES	-	National pollutant discharge elimination system.
POTW	-	Publicly owned treatment works.
SIC	-	Standard industrial classification.
SWDA	-	Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
USC	-	United States Code.
TSS	-	Total Suspended Solids.

(1972 Code, § 13-502)

18-403. Sewer service may be refused, restricted, etc., under various circumstances. The City of Manchester through its board of mayor and aldermen or water and sewer commission may either permit or refuse permission of any person, business, property or other entity to connect to the public sewer system as may be warranted by the capacity and ability of the sewers and treatment plant to carry and treat sewage or as the public interest may require or as otherwise indicated in this chapter. (1972 Code, § 13-503)

18-404. Use of public sewers required. (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Manchester or in any area under the jurisdiction of said city, any human or animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet within the City of Manchester or in any area under the jurisdiction of said city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(3) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, or cesspool, or other facility intended or used for the disposal of sewage.

(4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located in a public sanitary sewer of the city, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after date of official notice to do so, provided that said public sewer is within three hundred (300) feet (91.5 meters) of the property line if access is available and it is otherwise practicable to do so. (1972 Code, § 13-504)

18-405. Private sewage disposal. (1) Where a public sanitary sewer is not available under the provisions of § 18-404(4), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

(2) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the health officer. The application for such permit shall be made on a form furnished by the health officer, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the health officer.

(3) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the health officer. He shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the health officer when the work is ready for final inspection, and before any underground portions are covered.

(4) The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Coffee County Department of Public Health and the State of Tennessee. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 7500 square feet. (Lot areas of 7500 square feet to less than 20,000 square feet shall be served by a city water supply as a prerequisite to the installation of a subsurface soil absorption disposal system.) No septic tank shall be permitted to discharge to any natural outlet.

(5) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in § 18-405(4), a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(6) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

(7) No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the health officer.

(8) When a public sewer becomes available, the building sewer shall be connected to said sewer within ninety (90) days and the private sewage disposal system shall be cleaned of sludge and filled with clean gravel or dirt as directed by the health officer. (1972 Code, § 13-505)

18-406. Building sewers and connections. (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the manager.

(2) 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 owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the manager.

(3) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(4) A separate and independent building sewer shall be provided for every building. This requirement includes a separate sewer for each unit of a multi-unit building, except apartment buildings, duplexes, motels and hotels or where one 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, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. In the case of multi-unit buildings, each unit shall be required to pay a separate tap fee regardless of whether or not the same sewer line is connected for all of the units.

(5) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the manager to meet all requirements of this chapter.

(6) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the building and plumbing codes, water and sewer department standard construction specifications, or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(7) Whenever possible, the sewer service shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(8) No person shall make connections of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(9) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the manager before installation.

(10) The applicant for the building sewer permit shall notify the manager when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the manager or his representative.

(11) All excavations for 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. (1972 Code, § 13-506, as amended by Ord. #775, Nov. 1996)

18-407. <u>General discharge regulations</u>. A fat, oil and grease (FOG) management system must be immediately installed in any new or newly remodeled establishment that serves or prepares food and introduces grease into the sewer system, and for all other existing establishments within twelve (12) months after the final passage of this section, or on January 1, 1994, whichever occurs first. Specifications for the FOG management systems required for establishments, according to the number of persons who can be served, will be on file in the Office of the Manager of the Manchester Water and Sewer Department and are adopted as the minimum standards acceptable under this section.

Each establishment regulated under this section shall have a minimum 1500 gallon grease interceptor, or larger, depending on the number of persons served and the owner of the real estate shall be responsible for the operation and maintenance of those interceptors, at the owner's expense. Each interceptor shall be inspected quarterly by the owner and grease or other material removed and disposed of in a manner consistent with all local, state and federal laws and regulations, and kept in continuous and efficient operation. Dishwashers shall not be connected to the grease interceptor.

Existing establishments required to have a FOG management system who fail to do so within twelve (12) months after the final passage of this section, or on January 1, 1994, whichever occurs first, shall be subject to cessation of water and sewer services without prior notice. New or remodeled establishments will not be issued a building permit or building license until the manager of the Manchester Water and Sewer Department certifies compliance with this chapter. (1972 Code, § 13-507, as amended by Ord. #856, Sept. 1999, Ord. #907, Nov. 2000, and Ord. #1452, April 2015)

18-408. Acceptance of domestic septic tank waste delivered to the wastewater treatment plant. (1) In consideration of the fees set forth in code § 18-205 and subject to the provisions, the Manchester Water and Sewer Department is authorized to accept domestic septic tank waste brought by vehicle to its wastewater treatment plant located on West High Street during the hours determined by the department. Such waste will be accepted only from those persons who have been issued a permit by the city to deliver such waste.

(2) A person seeking a permit (hereinafter "hauler") must submit an application to the water and sewer commission in the form it shall specify along with an application fee of twenty-five dollars ($25.00). The application must include the applicant's full legal name, physical address, identity of those authorized to deliver waste to the city's facility and identification of those vehicles which will be used to deliver waste to the city's facility. Said application must also have attached thereto a copy of the applicant's State of Tennessee Septic Waste Hauler's Permit, motor vehicle liability insurance policy insuring the vehicle used in delivery and a copy of the applicant's general liability insurance policy. These policies must have per accident/incident liability limits of no less than one hundred thousand dollars ($100,000.00). The applicant shall also attach copies of any permits or authorizations from any other facilities to which it delivers septic tank waste. The applicant must sign the application verifying the truth of its contents. The permit shall be issued upon the same cycle as the city's industrial pretreatment permits and shall be valid from the date of issuance until the end of the current cycle. Renewed permits shall be valid for the two (2) year duration of the industrial pretreatment permit cycle. The fee to renew a permit shall be twenty-five dollars ($25.00).

(3) Waste shall be accepted by the department only at such times, in such quantities and by such delivery methods as determined by the director of water and sewer.

(4) There shall be a volumetric charge for acceptance of said waste, as specified in code § 18-205. This charge must be paid in advance at the water and sewer main office, 200 West Fort Street, Manchester, Tennessee.

(5) Prior to discharge of any material, the hauler must deliver to the city a manifest containing the hauler's name, company name, physical address, phone number and permit number, the location from which the material originated, the name of the owner of those premises and the name of the person delivering same to the hauler and the phone number of such person.

(6) It shall be unlawful for any person to deliver to or discharge into the City of Manchester's wastewater treatment system any items or combination of items which contain material or amounts of materials not permitted by the City of Manchester's Pretreatment Ordinance (title 18, chapter 7), any federal, state or municipal law, regulation or rule and/or the terms of the national pollution discharge certificate applicable to the city's facility at the time of discharge.

If such material is discharged, the hauler discharging same will pay or reimburse:

(a) All of the city's costs of treatment and/or remediation to bring the material into compliance with all of the above laws, rules, regulations and permits;

(b) The cost to clean or decontaminate the city's facility;

(c) Any fines, penalties or assessments levied or assessed against the city; and

(d) A fine of up to fifty dollars ($50.00) per gallon of non-conforming material.

The costs and fines imposed by this section shall be in addition to any fines or penalties imposed pursuant to the City of Manchester's Pretreatment Ordinance (title 18, chapter 7).

(7) The water and sewer commission may enact additional rules to govern the efficient implementation of this section to protect the city's facility and/or the integrity of the wastewater treatment system.

(8) A hauler's permit may be suspended or revoked by the director of water and sewer for violation of any provision of this section and/or rules promulgated by the water and sewer commission and/or failure to maintain insurance as required by this section. A hauler aggrieved by such action may appeal same to the water and sewer commission, whose decision shall be final.

(9) The director of water and sewer may refuse to accept or limit the amount of waste authorized to be accepted by this section if, in his opinion, the safety of the city's treatment plant and/or water supply would be jeopardized.

(10) This section does not authorize acceptance of grease nor treated waste such as that generally resulting from the use of portable toilets. (1972 Code, § 13-508, as replaced by Ord. #1452, April 2015)

18-409.--18-429. [<u>Deleted</u>]. (1972 Code, § 13-509, as amended by Ord. #807, Jan. 1998, and deleted by Ord. #1452, April 2015)

CHAPTER 5

CROSS CONNECTIONS AND AUXILIARY INTAKES[1]

SECTION

18-501. Definitions.
18-502. Compliance.
18-503. Construction, operation, and supervision.
18-504. Statement required.
18-505. Inspections required.
18-506. Right of entry for inspections.
18-507. Correction of existing violations.
18-508. Use of protective devices.
18-509. Unpotable water to be labeled.
18-510. Violations.

18-501. Definitions. The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(1) "Public water system." The waterworks system which furnishes water to the City of Manchester and surrounding area for general use and which system is recognized as the public water supply by the Tennessee Department of Environment and Conservation.

(2) "Cross connection." Any physical arrangement whereby a 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.

(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 supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain

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[1]Municipal code references
Plumbing code: title 12.
Water and sewer system administration: title 18.
Wastewater treatment: title 18.

sewerage 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) "Cross-connection control plan." The plan adopted by the city for the compliance of Tennessee Code Annotated, §§ 68-221-701 through 720, inclusive, which is readily available on request. (1972 Code, § 13-409(1), as amended by Ord. #807, Jan. 1998, and Ord. #1111, Aug. 2005)

18-502. Compliance. The public water system is to comply with Tennessee Code Annotated, §§ 68-221-701 through 68-221-720 as well as the systems cross-connection control plan, 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. (1972 Code, § 13-409(2), as amended by Ord. #1111, Aug. 2005)

18-503. Construction, operation, and supervision. It shall be unlawful for any person to cause a cross connection to be made, or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of 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 Director of Water and Sewer of the City of Manchester. (1972 Code, § 13-409(3), as amended by Ord. #807, Jan. 1998)

18-504. Statement required. Any person whose premises are supplied with water from the public water supply 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 Director of Water and Sewer 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. (1972 Code, § 13-409(4))

18-505. Inspections required. It shall be the duty of the Director of the Manchester Water and Sewer Department to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply are deemed possible. The frequency of inspections and reinspection, based on potential health hazards involved, shall be established by the Director of Water and Sewer of the City of Manchester and as approved

by the Tennessee Department of Environment and Conservation. (1972 Code, § 13-409(5), as amended by Ord. #807, Jan. 1998)

18-506. Right of entry for inspections. The Director of Water and Sewer or authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the City of Manchester Water System 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. (1972 Code, § 13-409(6))

18-507. 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 Director of Water and Sewer of the City of Manchester.

The failure to correct conditions threatening the safety of the public water system as prohibited by this chapter and the Tennessee Code Annotated, § 68-221-711, within a reasonable time and within the time limits set by the City of Manchester shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the utility shall give the customer legal notification that water service is to be discontinued and shall physically separate the public water supply 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 management of the water supply 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 imminent hazard(s) is (are) corrected immediately. (1972 Code, § 13-409(7))

18-508. Use of protective devices. Where the nature of use of the water supplied a premises by the water system is such that it is deemed:

(1) Impractical to provide an effective air-gap separation; or

(2) That the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the official in charge of the water system or his designated representative, that the water use and protective features of the

plumbing are such as to propose no threat to the safety or potability of the water supply; or

(3) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing; or

(4) There is a likelihood that protective measures may be subverted, altered, or disconnected, the Director of Water and Sewer of the City of Manchester 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 Director of Water and Sewer of the City of Manchester 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 City of Manchester's Water and Sewer Department shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the Director of Water and Sewer, 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 Director of Water and Sewer shall notify, in writing, the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The water system shall require the occupant of the premises to make all repairs indicated promptly, to keep the unit(s) working properly, and the expense of such repairs shall be borne by the owner or occupant of the premises. Repairs shall be made by qualified personnel possessing valid certification from the Tennessee Department of Environment and Conservation and who are acceptable to the Director of Water and Sewer of the City of Manchester.

The failure to maintain backflow protection device(s) in proper working order, or the removal, bypassing or altering of the protective device(s) or the installation thereof so as to render the device(s) ineffective shall be grounds for discontinuing water service to a premises, or a fine of fifty ($50.00) dollars or both. 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 City of Manchester. (1972 Code, § 13-409(8), as amended by Ord. #807, Jan. 1998, and Ord. #1111, Aug. 2005)

18-509. 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. (1972 Code, § 13-409(9))

18-510. Violations. The requirements contained herein shall apply to all premises served by the City of Manchester whether located inside or outside the corporate limits and are hereby made a part of the conditions required to be met for the city to provide water services 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, whether inside or outside the Manchester corporate limits. (1972 Code, § 13-409(10))

CHAPTER 6

MANCHESTER HEARING AUTHORITY

SECTION

18-601. Establishment.
18-602. Composition.
18-603. Provisions.
18-604. General duties.
18-605. Adjudicatory hearing procedures.
18-606. Public nuisance.
18-607. Director to notify user of violation.
18-608. Conciliation meetings.
18-609. Show cause hearing.
18-610. Citation to city court.
18-611. Injunctive relief.
18-612. Assessment of damages to users.
18-613. Additional remedies.
18-614. Emergency termination of service.
18-615. Report of director.
18-616. Penalties.

18-601. Establishment. There is hereby established an Authority of seven (7) members to be known as the "Manchester Hearing Authority." (1972 Code, § 13-701)

18-602. Composition. (1) Voting membership. The hearing authority shall be composed of the mayor and board of aldermen and shall constitute the voting members of the hearing authority.

(2) Ex-officio membership. The following representatives shall constitute the ex-officio membership of the hearing authority and shall serve a continuous term:

(a) Representative of the Areawide Waste Treatment Management Plan Policy Committee.

(b) Representative of the Tennessee Department of Public Health, Division of Water Quality Control.

(c) The Director of Water and Sewerage Services, Manchester, Coffee County, Tennessee who shall serve as Secretary of the Hearing Authority. (1972 Code, § 13-702)

18-603. Provisions. (1) The members shall serve terms respective to their elected terms of office.

(2) Members may be removed from the hearing authority by the Mayor of Manchester for continued absence from meetings, physical disability or other just cause.

(3) The chairman of the hearing authority shall be the mayor and the vice-chairman shall be the vice-mayor.

(4) Members shall comply with the charter of the City of Manchester, Tennessee.

(5) In the event of a conflict of interest involving any voting member of the hearing authority, the ex-officio member from the State of Tennessee shall temporarily replace said voting member and assume his voting status until said conflict is adjudicated. (1972 Code, § 13-703)

18-604. General duties. In addition to any other duty or responsibility otherwise conferred upon the board by this section, the authority shall have the duty and power as follows:

(1) To amend or modify the provisions of this section from time to time;

(2) To grant exceptions pursuant to the provisions of § 18-603 hereof, and to determine such issues of law and fact as are necessary to perform this duty;

(3) To hold hearings upon appeals from orders or actions of the water and sewer department director as may be provided under any provision of this chapter;

(4) To hold hearings related to the suspension, revocation or modification of a wastewater discharge permit as it is provided in this chapter and issue appropriate orders relating thereto;

(5) To hold such other hearings relating to any aspect or matter in the administration of this chapter and to make such determinations and issue such orders as may be necessary to effectuate the purposes of this chapter;

(6) To request assistance from any officer, agent or employee of the City of Manchester to obtain such information or other assistance as the authority might need;

(7) The authority acting through its chairman shall have the power to issue subpoenas requiring attendance and testimony of witnesses and the production of documentary evidence relevant to any matter properly heard by the authority;

(8) The chairman, vice-chairman or chairman pro tem shall be authorized to administer oaths to those persons giving testimony before the authority;

(9) The authority shall hold regular meetings, normally one per calendar year, and such special meetings as the board may find necessary;

(10) Four (4) members of the authority shall constitute a quorum, but a lesser number may adjourn the meeting from day to day. (1972 Code, § 13-704)

18-605. Adjudicatory hearing procedures. (1) The Manchester Hearing Authority shall schedule an adjudicatory hearing to resolve disputed questions of fact and law whenever provided by any provision of this action.

(2) At any such hearing, all testimony presented shall be under oath or upon solemn affirmation in lieu of oath. The authority shall make a record of such hearing, but the same need not be a verbatim record. Any party coming before the authority shall have the right to have said hearing recorded stenographically but in such event the record need not be transcribed unless any party seeks judicial review of the order or action of the authority by common law writ of certiorari, and in such event the parties seeking such judicial review shall pay for the transcription and provide the authority with the original of the transcript so that it may be certified to the court.

(3) The chairman may issue subpoenas requiring attendance and testimony of witnesses or the production of evidence, or both. A request for issuance of a subpoena shall be made by lodging with the chairman at least ten (10) days prior to the scheduled hearing date a written request for a subpoena setting forth the name and address of the party to be subpoenaed, and identifying any evidence to be produced. Upon endorsement of a subpoena by the chairman, the same shall be delivered to the chief of police for service by any police officer of Manchester. If the witness does not reside in Manchester, the chairman shall issue a written request that the witness attend the hearing.

(4) Upon agreement of all parties, the testimony of any person may be taken by deposition or written interrogatories. Unless otherwise agreed, the deposition shall be taken in a manner consistent with Rules 26-33 of the Tennessee Rules of Civil Procedure, with the chairman to rule on such matters as would require a ruling by the court under said rules.

(5) The party at such hearing bearing the affirmative burden of proof shall first call his witnesses, to be followed by witnesses called by other parties to be followed by any witnesses which the authority may desire to call. Rebuttal witnesses shall be called in the same order. The chairman shall rule on any evidentiary questions arising during such hearing, and shall make such other rulings as shall be necessary or advisable to facilitate an orderly hearing subject to approval of the authority. The authority, the director, or his representative, and all parties shall have the right to examine any witness. The authority shall not be bound by or limited to rules of evidence applicable to legal proceedings.

(6) Any person aggrieved by any order or determination of the director may appeal said order or determination reviewed by the authority under the provisions of this section. A written notice of appeal shall be filed with the director and with the chairman, and said notice shall set forth with particularity the action or inaction of the director complained of and the relief sought by the person filing said appeal. A special meeting of the authority may be called by the chairman upon the filing of such appeal, and the authority may in its discretion suspend the operation of the order or determination of the director appealed from until such time as the asuthority has acted upon the appeal.

Provided, however, that actions and determinations of the director under the provisions of § 18-425 shall not be subject to review under this section.

(7) The vice-chairman or the chairman pro tem shall possess all the authority delegated to the chairman by this section when acting in his absence or in his stead.

(8) Any person aggrieved by any final order of determination of the authority hereunder shall have judicial review by common law writ of certiorari. (1972 Code, § 13-705)

18-606. Public nuisance. Discharge of wastewater in any manner in violation of this section, or of any condition of a wastewater discharge permit is hereby declared a public nuisance and shall be corrected or abated as provided herein. (1972 Code, § 13-706)

18-607. Director to notify user of violation. Whenever the director determines or has reasonable cause to believe that a discharge of wastewater has occurred in violation of the provisions of this chapter, the user's wastewater discharge permit, or any other applicable law or regulation, he shall notify the user of such violation. Failure of the director to provide notice to the user shall not in any way relieve the user from any consequence of a wrongful or illegal discharge. (1972 Code, § 13-707)

18-608. Conciliation meetings. The director may, but shall not be required, to invite representatives of the user to a conciliation meeting to discuss the violation and methods of correcting the cause of the violation. Such additional meetings as the director and the user deem advisable may be held to resolve the problem. If the user and the director can agree to appropriate remedial and preventive measures, they shall commit such agreement to writing with provisions for a reasonable compliance schedule and the same shall be incorporated as a supplemental condition of the user's wastewater discharge permit. If an agreement is not reached through the conciliation process within sixty (60) days, the director shall institute such other actions as he deems advisable to insure the user's compliance with the provisions of this chapter or other law or regulation. (1972 Code, § 13-708)

18-609. Show cause hearing. The director may issue a show issue notice to the user directing the user to appear before the Manchester Hearing Authority at a specified date and time to show cause why the user's wastewater discharge permit should not be modified, suspended, or revoked for causing or suffering violation of this chapter, or other applicable law or regulation, or conditions in the wastewater discharge permit of the user. If the director seeks to modify the user's wastewater discharge permit to establish wastewater strength limitation or other control techniques to prevent future violation, he shall notify the user of the general nature of the recommendations he shall

make to the authority. If the director seeks to suspend or revoke the user's wastewater discharge permit, he shall notify the user of the nature of the violation for which revocation or suspension is sought with sufficient specificity as to the character of the violation and the dates at which such violation occurred to enable the user to prepare his defense. Such notice shall be mailed to the user by certified mail, return receipt requested, or shall be personally delivered to the user at least twenty (20) days prior to the scheduled hearing date. (1972 Code, § 13-709)

18-610. Citation to city court. The director may cite the user to the City Court of Manchester for violation of any provision of this chapter or other ordinance. A violation of any condition of the user's wastewater discharge permit shall be deemed to be a violation of this chapter. (1972 Code, § 13-710)

18-611. Injunctive relief. Upon resolution of the Manchester Hearing Authority approving same, the director shall in the name of Manchester file in Circuit or Chancery Court of Coffee County, Tennessee, or such other courts as may have jurisdiction, a suit seeking the issuance of an injunction, damages, or other appropriate relief to enforce the provisions of this chapter or other applicable law or regulation. Suit may be brought to recover any and all damages suffered by Manchester as a result of any action or inaction of any user or other person who causes or suffers damage to occur to the POTW or for any other expense, loss or damage of any kind or nature suffered by Manchester. (1972 Code, § 13-711)

18-612. Assessment of damages to users. When a discharge of waste causes an obstruction, damage, or any other impairment to the facilities or any expense of whatever character or nature to Manchester, the director shall assess the expenses incurred by Manchester to clear the obstruction, repair damage to the facility, and any other expenses or damages incurred by Manchester. The director shall file a claim with the user or any other person causing or suffering said damages to incur seeking reimbursement for any and all expenses or damages suffered by Manchester. If the claim is ignored or denied, the director shall notify Manchester's attorney to take such measures as shall be appropriate to recover for any expenses or other damages suffered by Manchester. (1972 Code, § 13-712)

18-613. Additional remedies. In addition to other remedies for enforcement provided herein, the director may petition the State of Tennessee or the United States, Environmental Protection Agency, as appropriate to exercise such methods or remedies as shall be available to such government entities to seek criminal or civil penalties, injunctive relief, or such other remedies as may be provided by applicable federal or state laws to insure compliance by industrial users of applicable pretreatment standards, to prevent

the introduction of toxic pollutants or other regulated pollutants into the POTW, or to prevent such other water pollution as may be regulated by state or federal law. (1972 Code, § 13-713)

18-614. Emergency termination of service. In the event of an actual or threatened discharge to the POTW of any pollutant which in the opinion of the director presents or may present an imminent and substantial endangerment to the health or welfare of persons, the environment, or cause interference with the POTW; the director or in his absence the person then in charge of the treatment works shall immediately notify the Mayor of Manchester of the nature of the emergency. The director shall also attempt to notify the industrial user or other person causing the emergency and request their assistance in abating the same. Following consultation with the aforementioned official of Manchester or in their absence such elected officials of Manchester as may be available, the director shall terminate the service of such user or users as are necessary to abate the condition when such action appears reasonably necessary. Such service shall be restored by the director as soon as the emergency situation has been abated or corrected. (1972 Code, § 13-714)

18-615. Report of director. The director shall report to the authority his intent to institute any action under the provisions of §§ 18-610, 18-611 and 18-613 and seek the advice of the authority in regard thereto, unless he shall determine that immediate action is advisable. (1972 Code, § 13-715)

18-616. Penalties. (1) Any person who violates any provision of this chapter including but not limited to the following violations:

(a) Violates an effluent standard or limitation;

(b) Violates the terms or conditions of a wastewater discharge permit;

(c) Fails to complete a filing or report requirement;

(d) Fails to perform or properly report any required monitoring;

(e) Violates a final order or determination of the Manchester Hearing Authority or the director; or

(f) Fails to pay any established sewer service charge or industrial cost recovery charge shall be guilty of a misdemeanor and, upon conviction, is punishable by a fine in an amount not to exceed ten thousand dollars ($10,000).

(2) Each separate violation shall constitute a separate offense and upon conviction each day of violation shall constitute a separate offense. (1972 Code, § 13-716)

CHAPTER 7

MANCHESTER PRETREATMENT ORDINANCE

SECTION

18-701. General provisions.
18-702. General sewer use requirements.
18-703. Pretreatment of wastewater.
18-704. Wastewater discharge permits.
18-705. Wastewater discharge permit issuance.
18-706. Reporting requirements.
18-707. Compliance monitoring.
18-708. Confidential information.
18-709. Publication of users in significant noncompliance.
18-710. Administrative enforcement remedies.
18-711. Judicial enforcement remedies.
18-712. Supplemental enforcement action.
18-713. Affirmative defenses to discharge violations.
18-714. Wastewater treatment rates [RESERVED].
18-715. Miscellaneous provisions.

18-701. General provisions. (1) Purpose and policy. This ordinance sets forth uniform requirements for users of the publicly owned treatment works for the City of Manchester, Tennessee and enables the city to comply with all applicable state and federal laws, including the state pretreatment requirements (Tennessee Rule 400-40-14), the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (part 403 of title 40 of the Code of Federal Regulations (CPR)). The objectives of this ordinance are as follows:

(a) To prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operation;

(b) To prevent the introduction of pollutants into the publicly owned treatment works that will pass through the publicly owned treatment works, inadequately treated, into receiving waters, or otherwise be incompatible with the publicly owned treatment works;

(c) To protect both publicly owned treatment works personnel who may be affected by wastewater and sludge in tile course of their employment and the general public;

(d) To promote reuse and recycling of industrial wastewater and sludge from the publicly owned treatment works;

(e) To provide tor fees for the equitable distribution of the cost of operation, maintenance, and improvement of the publicly owned treatment works; and

(f) To enable the city to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the publicly owned treatment works is subject.

This ordinance shall apply to all users of the publicly owned treatment works. The ordinance authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(2) Administration. Except as otherwise provided herein, the director of the Manchester Water and Sewer Department (director) shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the director may be delegated by the director to a duly authorized water and sewer department employee.

(3) Abbreviations. The following abbreviations, when used in this ordinance, shall have the designated meanings:

(a) "BOD." Biochemical Oxygen Demand.
(b) "BMP." Best Management Practice.
(c) "BMR." Baseline Monitoring Report.
(d) "CFR." Code of Federal Regulations.
(e) "CIU." Categorical Industrial User.
(f) "COD." Chemical Oxygen Demand.
(g) "EPA." U.S. Environmental Protection Agency.
(h) "Gpd." Gallons per day.
(i) "IU." Industrial User.
(j) "Mg/l." Milligrams per liter.
(k) "NPDES." "National Pollutant Discharge Elimination System."
(l) "POTW." Publicly Owned Treatment Works.
(m) "RCRA." Resource Conservation and Recovery Act.
(n) "SIU." Significant Industrial User.
(o) "SNC." Significant Noncompliance.
(p) "TSS." Total Suspended Solids.
(q) "U.S.C." United States Code.

(4) Definitions. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated.

(a) "Act" or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251, et seq.

(b) "Approval authority." The Tennessee Division of Water Resources Director or his/her representative(s)

(c) "Authorized or duly authorized representative of the user."

(i) If the user is a corporation:

(A) 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

(B) 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 wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(ii) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(iii) 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.

(iv) The individuals described in paragraphs (i) through (iii), 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 director.

(d) "Biochemical Oxygen Demand" or "BOD." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty degrees centigrade (20° C), usually expressed as a concentration (e.g., mg/l).

(e) "Best Management Practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 18-702(1) and (2) [Tennessee Rule 400-40-14-.05(1)(a) and (2)]. 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.

(f) "Categorical pretreatment standard" or "categorical standard." Any regulation containing pollutant discharge limits

promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of users and that appear in 40 CFR chapter I, subchapter N, parts 405-471.

(g) "Categorical industrial user." An industrial user subject to a categorical pretreatment standard or categorical standard.

(h) "City." The City of Manchester, Tennessee.

(i) "Chemical Oxygen Demand" or "COD." A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

(j) "Daily maximum." The arithmetic average of all effluent samples for a pollutant (except pH) collected during a calendar day.

(k) "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.

(l) "Department." The Manchester Water and Sewer Department.

(m) "Director." The person designated by the city to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance. The term refers to the director of the Manchester Water and Sewer Department and/or his/her duly authorized representative.

(n) "Environmental Protection Agency" or "EPA." The U.S. Environmental Protection Agency or, where appropriate, the regional water management division director, the regional administrator, or other duly authorized official of said agency.

(o) "Existing source." Any source of discharge that is not a "new source."

(p) "Grab sample." A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

(q) "Indirect discharge" or "discharge." The introduction of pollutants into the POTW from any nondomestic source.

(r) "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.

(s) "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.

(t) "Local limit." Specific discharge limits developed and enforced by the city upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in Tennessee Rule 400-40-14-.05(1)(a) and (2).

(u) "Medical waste." Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

(v) "Monthly average." The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

(w) "Monthly average limit." The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

(x) "New source." (i) 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 Act that will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(A) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(B) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(C) The production or 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 engaged in the same general type of activity as the existing source, should be considered.

(ii) 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 § 18-701(4)(x)(i)(B) or (C) above but otherwise alters, replaces, or adds to existing process or production equipment.

(iii) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

(A) Begun, or caused to begin, as part of a continuous onsite construction program

(1) Any placement, assembly, or installation of facilities or equipment; or

(2) Significant site preparation work including clearing, 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

(B) 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 paragraph.

(y) "Noncontact cooling water." Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

(z) "Pass through." A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the city's NPDES permit, including an increase in the magnitude or duration of a violation.

(aa) "Person." Any and all persons, including individuals, firms, partnerships, associations, public or private institutions, state and federal agencies, municipalities or political subdivisions, or officers thereof, departments, agencies, or instrumentalities, or public or private corporations or officers thereof, organized or existing under the laws of this or any state or country.

(bb) "pH." A measure of the acidity or alkalinity of a solution, expressed in standard units.

(cc) "Pollutant." Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

(dd) "Pretreatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant

properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

(ee) "Pretreatment requirements." Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

(ff) "Pretreatment standards" or "standards." Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

(gg) "Prohibited discharge standards" or "prohibited discharges." Absolute prohibitions against the discharge of certain substances; these prohibitions appear in § 18-702(1) of this ordinance.

(hh) "Publicly Owned Treatment Works" or "POTW." A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the city. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

(ii) "Septic tank waste." Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

(jj) "Sewage." Human excrement and gray water (household showers, dishwashing operations, etc.).

(kk) "Significant Industrial User (SIU)." Except as provided in §§ 18-701(1)(c)(iii) and (iv) of this section, a significant industrial user is:

(i) An industrial user subject to categorical pretreatment standards; or

(ii) An industrial user that:

(A) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);

(B) 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

(C) Is designated as such by the department on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(iii) Upon a finding that a user meeting the criteria in subsection (ii) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment

standard or requirement, the department may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in Tennessee Rule 400-40-14.08(6)(f), determine that such user should not be considered a significant industrial user.

(ll) "Slug load or slug discharge." Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in § 18-702(1) of this ordinance. A slug discharge is 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.

(mm) "Storm water." Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

(nn) "Total suspended solids" or "suspended solids." The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

(oo) "User" or "industrial user." A source of indirect discharge.

(pp) "Wastewater." Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

(qq) "Wastewater treatment plant" or "treatment plant." That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste. (as added by Ord. #1197, May 2008, replaced by Ord. #1223, March 2009, and amended by Ord. #1452, April 2015)

18-702. <u>General sewer use requirements</u>. (1) <u>Prohibited discharge standards</u>. (a) General prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

(b) Specific prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

(i) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than one hundred forty degrees

Fahrenheit (140° F (sixty degrees Celsius (60° C)) using the test methods specified in 40 CFR 261.21;

(ii) Wastewater having a pH less than 5.0 or more than 10.0, or otherwise causing corrosive structural damage to the POTW or equipment;

(iii) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than three inch(es) (3") in any dimension;

(iv) 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;

(v) Wastewater having a temperature greater than one hundred ten degrees Fahrenheit (110° F), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed one hundred four degrees Fahrenheit (104° F) (forty degrees Celsius (40° C);

(vi) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;

(vii) 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;

(viii) Trucked or hauled pollutants, except at discharge points designated by the director in accordance with § 18-703(4) of this ordinance;

(ix) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

(x) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the city's NPDES permit;

(xi) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;

(xii) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water,

and unpolluted wastewater, unless specifically authorized by the director;

(xiii) Sludges, screenings, or other residues from the pretreatment of industrial wastes;

(xiv) Medical wastes, except as specifically authorized by the director in a wastewater discharge permit;

(xv) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;

(xvi) Detergents, surface-active agents, or other substances which that might cause excessive foaming in the POTW;

(xvii) Fats, oils, or greases of animal or vegetable origin in concentrations greater than one hundred (100) mg/l;

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

(2) National categorical pretreatment standards. (a) Users must comply with the categorical pretreatment standards found at 40 CFR chapter I, subchapter N, parts 405--471.

(b) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the director shall impose an alternate limit in accordance with Tennessee Rule 400-40-14-06(5).

(c) Once included in its permit, the industrial user must comply with the equivalent limitations developed in this section in lieu of the promulgated categorical standards from which the equivalent limitations were derived.

(d) Many categorical pretreatment standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or four (4) day average, limitations. Where such standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

(3) State pretreatment standards. Users must comply with Tennessee Pretreatment Standards codified at Rule 400-40-14.

(4) Local limits. (a) The director is authorized to establish local limits pursuant to Tennessee Rule 400-40-14-.05(3).

(b) The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following:

Arsenic	0.0516 mg/l
Benzene	0.5682 mg/l
BOD_5	200 lbs/day
Cadmium	0.0092 mg/l

Carbon tetrachloride	1.6384 mg/l
Chloroform	0.1659 mg/l
Chromium	5.9006 mg/l
Copper	0.2285 mg/l
Cyanide	1.0252 mg/l
Ethylbenzene	0.8549 mg/l
Lead	0.0656 mg/l
Mercury	0.0008 mg/l
Methylene chloride	0.1427 mg/l
Molybdenum	0.2167 mg/l
Naphthalene	0.0332 mg/l
Nickel	0.1912 mg/l
Oil and grease	100 mg/l
Pentachlorophenol	0.5785 mg/l
Selenium	0.0566 mg/l
Silver	1.2062 mg/l
Tetrachloroethylene	0.0132 mg/l
Toluene	0.0083 mg/l
Total phenols	0.1302 mg/l
Total phthalates	0.1014 mg/l
Total suspended solids	200 lbs/day
Trichloroethylene	0.0137 mg/l
Zinc	0.0669 mg/l
1,1,1 Trichloroethane	1.1512 mg/l
1,2 Trans dichloroethylene	1.1782 mg/l
Total Nitrogen	36.0 mg/l
Total Phosphorus	16.0 mg/l

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The director may impose mass limitations in addition to the concentration-based limitations above.

(c) The director may develop Best Management Practices (BMPs), by ordinance or in wastewater discharge permits, to implement local limits and the requirements of § 18-702(1).

(5) Right of revision. The city reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW consistent with the purpose of this ordinance.

(6) Dilution. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The director may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when

the imposition of mass limitations is appropriate. (as added by Ord. #1197, May 2008, replaced by Ord. #1223, March 2009, and amended by Ord. #1452, April 2015)

18-703. Pretreatment of wastewater. (1) Pretreatment facilities. Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in § 18-702(1) of this ordinance within the time limitations specified by EPA, the state, or the city, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the director for review, and shall be acceptable to the director before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the city under the provisions of this ordinance.

(2) Additional pretreatment measures. (a) Whenever deemed necessary, the director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this ordinance.

(b) The director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

(c) Grease, oil, and sand interceptors shall be provided when, in the opinion of the director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the director, and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired by the user at their expense. The director may require that inspection and maintenance records be submitted to the department at an interval to be determined by the director.

(d) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(3) Accidental discharge/slug discharge control plans. The director shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The director 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 director may develop such a plan for any user. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

(a) Description of discharge practices, including non-routine batch discharges;

(b) Description of stored chemicals;

(c) Procedures for immediately notifying the director of any accidental or slug discharge, as required by § 18-706(6) of this ordinance; and

(d) 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.

(4) Hauled wastewater. (a) Septic tank waste may be introduced into the POTW only at locations designated by the director, and at such times as are established by the director. Such waste shall not violate § 18-702 of this ordinance or any other requirements established by the department. The director may require septic tank waste haulers to obtain wastewater discharge permits. This section shall not imply that the director will allow septic tank waste to be introduced into the POTW. This decision shall be at the sole discretion of the director.

(b) The director may require haulers of industrial waste to obtain wastewater discharge permits. The director may require generators of hauled industrial waste to obtain wastewater discharge permits. The director also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.

(c) Industrial waste haulers may discharge loads only at locations designated by the director. No load may be discharged without prior consent of the director. The director may collect samples of each hauled load to ensure compliance with applicable standards. The director may require the industrial waste hauler or waste generator to provide a waste analysis of any load prior to discharge.

(d) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are

RCRA hazardous wastes. The director may prohibit the disposal of RCRA hazardous wastes. (as added by Ord. #1197, May 2008, as replaced by Ord. #1223, March 2009)

18-704. Wastewater discharge permits. (1) Wastewater analysis. When requested by the director, a user must submit information on the nature and characteristics of its wastewater within a reasonable time period that is to be stipulated within the request. The director is authorized to prepare a form for this purpose and may periodically require users to update this information.

(2) Wastewater discharge permit requirement. (a) No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the department, except that a significant industrial user that has filed a timely application pursuant to § 18-704(3) of this ordinance may continue to discharge for the time period specified therein.

(b) The director may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.

(c) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in §§ 18-710--18-712 of this ordinance. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.

(3) Wastewater discharge permitting: existing connections. Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within sixty (60) days after said date, apply to the director for a wastewater discharge permit in accordance with § 18-704(5) of this ordinance, and shall not cause or allow discharges to the POTW to continue after sixty (60) days of the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the director. Those users that already have a current wastewater discharge permit will not be required to reapply due to the passage of this ordinance.

(4) Wastewater discharge permitting: new connections. Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with § 18-704(5) of this ordinance, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

(5) Wastewater discharge permit application contents. All users required to obtain a wastewater discharge permit must submit a permit

application. The director may require users to submit all or some of the following information as part of a permit application:

(a) Identifying information. (i) The name and address of the facility, including the name of the operator and owner, contact information, description of activities, facilities, and plant production processes on the premises;

(ii) Environmental permits. A list of any environmental control permits held by or for the facility.

(b) Description of operations. (i) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.

(ii) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;

(iii) Number and type of employees, hours of operation, and proposed or actual hours of operation;

(iv) Type and amount of raw materials processed (average and maximum per day);

(v) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

(vi) Time and duration of discharges;

(vii) The location for monitoring all wastes covered by the permit;

(viii) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in § 18-702(2)(b) (Tennessee Rule 400-40-14.06(5)).

(ix) Measurement of pollutants. (A) The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources.

(B) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the director, of regulated pollutants in the discharge from each regulated process.

(C) Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.

The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in § 18-706(10) of this ordinance. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the director or the applicable standards to determine compliance with the standard. Sampling must be performed in accordance with procedures set out in § 18-706(11) of this ordinance.

(x) Any other information as may be deemed necessary by the director to evaluate the permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

(6) Application signatories and certifications. (a) All wastewater discharge permit applications, user reports and certification statements must be signed by an authorized representative of the user, as defined in § 18-701(4), and contain the certification statement in § 18-706(14)(a).

(b) If the designation of an authorized representative 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 written authorization satisfying the requirements of this section must be submitted to the director prior to or together with any reports to be signed by an authorized representative.

(7) Wastewater discharge permit decisions. The director will evaluate the data furnished by the user and may require additional information. Within thirty (30) days of receipt of a complete permit application, the director will determine whether to issue a wastewater discharge permit. The director may deny any application for a wastewater discharge permit. (as added by Ord. #1197, May 2008, replaced by Ord. #1223, March 2009, and amended by Ord. #1452, April 2015)

18-705. Wastewater discharge permit issuance. (1) Wastewater discharge permit duration. A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the director. Each wastewater discharge permit will indicate a specific date upon which it will expire.

(2) Wastewater discharge permit contents. A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the director to prevent pass through or interference, protect the quality of the water

body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

(a) Wastewater discharge permits must contain:

(i) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;

(ii) A statement that the wastewater discharge permit is nontransferable without prior notification to the department in accordance with § 18-705(4) of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

(iii) Effluent limits, including best management practices, based on applicable pretreatment standards;

(iv) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law.

(v) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.

(vi) Requirements to control slug discharge, if determined by the director to be necessary.

(b) Wastewater discharge permits may contain, but need not be limited to, the following conditions:

(i) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

(ii) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

(iii) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;

(iv) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

(v) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;

(vi) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;

(vii) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and

(vii) Other conditions as deemed appropriate by the director to ensure compliance with this ordinance, and state and federal laws, rules, and regulations.

(3) Permit modification. The director may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(a) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

(b) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of the wastewater discharge permit issuance;

(c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(d) Information indicating that the permitted discharge poses a threat to the city's POTW, city personnel, or the receiving waters;

(e) Violation of any terms or conditions of the wastewater discharge permit;

(f) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

(g) Revision of or a grant of variance from categorical pretreatment standards pursuant to Tennessee Rule 400-40-14-.13;

(h) To correct typographical or other errors in the wastewater discharge permit; or

(i) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with § 18-705(4).

(4) Wastewater discharge permit transfer. Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least ten (10) days advance notice to the director and the director approves the wastewater discharge permit transfer. The notice to the director must include a written certification by the new owner or operator which:

(a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

(b) Identifies the specific date on which the transfer is to occur; and

(c) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

(5) Wastewater discharge permit revocation. The director may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(a) Failure to notify the director of significant changes to the wastewater prior to the changed discharge;

(b) Failure to provide prior notification to the director of changed conditions pursuant to § 18-706(5) of this ordinance;

(c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

(d) Falsifying self-monitoring reports and certification statements;

(e) Tampering with monitoring equipment;

(f) Refusing to allow the director timely access to the facility premises and records;

(g) Failure to meet effluent limitations;

(h) Failure to pay penalties;

(i) Failure to pay sewer charges;

(j) Failure to meet compliance schedules;

(k) Failure to complete a wastewater survey or the wastewater discharge permit application;

(l) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

(m) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a user are void upon the issuance of a new wastewater discharge permit to that user.

(6) Wastewater discharge permit reissuance. A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with § 18-704(5) of this ordinance, a minimum of sixty (60) days prior to the expiration of the user's existing wastewater discharge permit. (as added by Ord. #1197, May 2008, replaced by Ord. #1223, March 2009, and amended by Ord. #1452, April 2015)

18-706. Reporting requirements. (1) Baseline monitoring reports.

(a) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under Tennessee

Rule 400-40-14-.06(1)(d), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the POTW shall submit to the director a report which contains the information listed in paragraph (b), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the director a report which contains the information listed in paragraph (b), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(b) Users described above shall submit the information set forth below:

(i) All information required in §§ 18-704(5)(a)(i), 18-704(5)(a)(ii), and 18-704(5)(b)(i) through 18-704(5)(b)(xiii).

(ii) Measurement of pollutants. The user shall provide the information required in § 18-704(5)(b)(ix)(A) through (C). The user shall take a minimum of one (1) representative sample to compile that data necessary to comply with the requirements of this paragraph. Samples should be taken immediately downstream from pretreatment facilities if such exist 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 in Tennessee Rule 400-40-14-.06(5) to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with Tennessee Rule 400-40-14-.06(5) this adjusted limit along with supporting data shall be submitted to the control authority.

Sampling and analysis shall be performed in accordance with § 18-706(10); the director 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;

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.

(iii) Compliance certification. A statement, reviewed by the user's authorized representative as defined in § 18-701(4)(c) and certified 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 to meet the pretreatment standards and requirements.

(iv) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in § 18-706(2) of this ordinance.

(v) Signature and report certification. All baseline monitoring reports must be certified in accordance with § 18-706(14)(a) of this ordinance and signed by an authorized representative as defined in § 18-701(4)(c).

(2) Compliance schedule progress reports. The following conditions shall apply to the compliance schedule required by § 18-706(1)(b)(iv) of this ordinance:

(a) 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, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(b) No increment referred to above shall exceed nine (9) months;

(c) The user shall submit a progress report to the director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

(d) In no event shall more than nine (9) months elapse between such progress reports to the director.

(3) Reports 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 user subject to such pretreatment standards and requirements shall submit to the director a report containing the information described in §§ 18-704(5)(a) and (b) and § 18-706(1)(b)(ii) of this ordinance. For 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. All compliance

reports must be signed and certified in accordance with § 18-706(14)(a) of this ordinance. All sampling will be done in conformance with § 18-706(11).

(4) Periodic compliance reports. (a) All significant industrial users must, at a frequency determined by the director, submit no less than twice per year reports indicating the nature, concentration of pollutants in the discharge which are limited by 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 director or the pretreatment standard necessary to determine the compliance status of the user.

(b) All periodic compliance reports must be signed and certified in accordance with § 18-706(14) of this ordinance.

(c) 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.

(d) If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the director, using the procedures prescribed in § 18-706(11) of this ordinance, the results of this monitoring shall be included in the report.

(5) Reports of changed conditions. Each user must notify the director of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.

(a) The director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 18-704(5) of this ordinance.

(b) The director may reissue a wastewater discharge permit under § 18-705(6) of this ordinance or modify an existing wastewater discharge permit under § 18-705(3) of this ordinance in response to changed conditions or anticipated changed conditions.

(6) Reports of potential problems. (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the user shall immediately telephone and notify the director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(b) Within five (5) days following such discharge, the user shall, unless waived by the director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any penalties or other liability which may be imposed pursuant to this ordinance.

(c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph (a), above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

(d) Significant industrial users are required to notify the director immediately of any changes at its facility affecting the potential for a slug discharge.

(7) Reports from unpermitted users. All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the department as the director may require.

(8) Notice of violation/repeat sampling and reporting. If sampling performed by a user indicates a violation, the user must notify the director within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the director within thirty (30) days after becoming aware of the violation. Resampling by the industrial user is not required if the department performs sampling at the user's facility at least once a month, or if the department performs sampling at the user between the time when the initial sampling was conducted and the time when the user or the department receives the results of this sampling, or if the department has performed the sampling and analysis in lieu of the industrial user.

(9) Notification of the discharge of hazardous waste. (a) Any user who commences the discharge of hazardous waste 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 nature 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 user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: 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 the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under § 18-706(5) of this ordinance. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of §§ 18-706(1), (3) and (4) of this ordinance.

(b) Dischargers are exempt from the requirements of paragraph (a), above, 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), Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(c) 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 user must notify the director, 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.

(d) In the case of any notification made under this section, the 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.

(e) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable federal or state law.

(f) This provision does not imply that any user may commence to discharge a hazardous waste without prior approval from the director. The director has the right to deny the request of any user to discharge a hazardous waste to the POTW.

(10) Analytical requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question,

or where the EPA determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the director or other parties approved by EPA.

(11) Sample collection. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

(a) Except as indicated in section (b) and (c) 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 director. Where time-proportional composite sampling or grab sampling is authorized by the director, 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 organics 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 director, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

(b) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques. A minimum of one (1) grab sample will be allowed, except as required below.

(c) For sampling required in support of baseline monitoring and ninety (90) day compliance reports required in §§ 18-706(1) and (3) (Tennessee Rule 400-40-14-.12(2) and (4)), 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 director may authorize a lower minimum. For the reports required by § 18-706(4) (Tennessee Rule 400-40-14-.12(5) and (8)), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

(12) Date of receipt of reports. Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed,

postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

(13) Recordkeeping. Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, 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 § 18-702(4)(c). Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the city, or where the user has been specifically notified of a longer retention period by the director.

(14) Certification statements. Certification of permit applications, user reports and initial monitoring waiver. The following certification statement is required to be signed and submitted by users submitting permit applications in accordance with § 18-704(5); users submitting baseline monitoring reports under § 18-706(1)(b)(v); users submitting reports on compliance with the categorical pretreatment standard deadlines under § 18-706(3); and users submitting periodic compliance reports required by § 18-706(4)(a)--(c). The following certification statement must be signed by an authorized representative as defined in § 18-701(4)(c);

> 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. (as added by Ord. #1197, May 2008, replaced by Ord. #1223, March 2009, and amended by Ord. #1452, April 2015)

18-707. Compliance monitoring. (1) Right of entry: inspection and sampling. The director shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this ordinance and any wastewater discharge permit or order issued hereunder. Users shall allow the director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(a) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the director shall be permitted to enter without delay for the purposes of performing specific responsibilities.

(b) The director shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

(c) The director may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at least biannually to ensure their accuracy.

(d) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the director and shall not be replaced, without approval of the director. The costs of clearing such access shall be born by the user.

(e) Unreasonable delays in allowing the director access to the user's premises shall be a violation of this ordinance.

(2) Search warrants. If the director has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the city designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the director may seek issuance of a search warrant from the appropriate court of the City of Manchester, Tennessee. (as added by Ord. #1197, May 2008, as replaced by Ord. #1223, March 2009)

18-708. Confidential information. Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the director's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for

inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction. (as added by Ord. #1197, May 2008, as replaced by Ord. #1223, March 2009)

18-709. Publication of users in significant noncompliance. The director shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements, the term significant noncompliance shall be applicable to all significant industrial users (or any other industrial user that violates paragraphs (c), (d) or (h) of this section) and shall mean:

(a) 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 § 18-702;

(b) 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 § 18-702 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(c) Any other violation of a pretreatment standard or requirement as defined by § 18-702 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the director 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;

(d) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the director's exercise of its emergency authority to halt or prevent such a discharge;

(e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance; or

(h) Any other violation(s), which may include a violation of best management practices, which the director determines will adversely affect the operation or implementation of the local pretreatment program. (as added by Ord. #1197, May 2008, as replaced by Ord. #1223, March 2009)

18-710. Administrative enforcement remedies. (1) Notification of violation. When the director finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the director may serve upon that user a written notice of violation. Within a specified number of days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the director, submission of such a plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit tile authority of the director to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(2) Consent orders. The director may enter into consent orders, assurances of compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents shall include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to §§ 18-710(4) and (5) of this ordinance and shall be judicially enforceable.

(3) Show cause hearing. The director may order a user which has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, to appear before the director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user as defined in § 18-704(6)(a) and

required by § 18-701(4)(c). A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

(4) Compliance orders. When the director finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the director may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(5) Cease and desist orders. When the director finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the director may issue an order to the user directing it to cease and desist all such violations and directing the user to:

(a) Immediately comply with all requirements; and

(b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(6) Administrative penalties. (a) When the director finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the director may penalize such user in an amount not to exceed ten thousand dollars ($10,000.00) per day. Such penalties shall be assessed on a per violation, per-day basis. In the case of monthly or other long-term average discharge limits, penalties shall be assessed for each day during the period of violation.

(b) Unpaid charges and penalties may, after thirty (30) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of five percent (5%) per month. The director may also roll the penalty into the user's water and sewer bill. If the penalty is rolled into the water and sewer bill and is unpaid, the termination of water and/or sewer service by the

department is a suitable remedy to address the lack of payment. A lien against the user's property shall be sought for unpaid charges or penalties.

(c) Users desiring to dispute such penalties must file a written request for the director to reconsider the penalty along with full payment of the penalty amount within thirty (30) days of being notified of the penalty. Where a request has merit, the director may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the penalty.

(d) Issuance of an administrative penalty shall not be a bar against, or a prerequisite for, taking any other action against the user.

(7) Emergency suspensions. The director may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The director may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

(a) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The director may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the director that the period of endangerment has passed, unless the termination proceedings in § 18-710(8) of this ordinance are initiated against the user.

(b) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the director prior to the date of any show cause or termination hearing under §§ 18-710(3) or 18-710(8) of this ordinance.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

(8) Termination of discharge. In addition to the provisions in § 18-705(5) of this ordinance, any user who violates, the following conditions is subject to discharge termination:

(a) Violation of wastewater discharge permit conditions;

(b) Failure to accurately report the wastewater constituents and characteristics of its discharge;

(c) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

(d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or

(e) Violation of the pretreatment standards in § 18-702 of this ordinance.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under § 18-710(3) of this ordinance why the proposed action should not be taken. Exercise of this option by the director shall not be a bar to, or a prerequisite for, taking any other action against the user. (as added by Ord. #1197, May 2008, as replaced by Ord. #1223, March 2009)

18-711. Judicial enforcement remedies. (1) Injunctive relief. When the director finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the director may petition the appropriate court through the city's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user. The director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

(2) Civil penalties. (a) A user who has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the city for a maximum civil penalty of ten thousand dollars ($10,000.00) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(b) The director may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.

(c) In determining the amount of civil 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 of the violation, 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.

(d) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

(3) Criminal prosecution. (a) A user who willfully or negligently violates any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a penalty of not more than ten thousand dollars ($10,000.00) per violation, per day, or imprisonment for not more than one (1) year, or both.

(b) A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of not more than ten thousand dollars ($10,000.00), or be subject to imprisonment for not more than one (1) year, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

(c) A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a penalty of not more than ten thousand dollars ($10,000.00) per violation, per day, or imprisonment for not more than one (1) year, or both.

(d) In the event of a second conviction, a user shall be punished by a penalty of not more than ten thousand dollars ($10,000.00) per violation, per day, or imprisonment for not more than two (2) years, or both.

(4) Remedies nonexclusive. The remedies provided for in this ordinance are not exclusive. The director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the director may take other action against any user when the circumstances warrant. Further, the director is empowered to take more than one (1) enforcement action against any noncompliant user. (as added by Ord. #1197, May 2008, as replaced by Ord. #1223, March 2009)

18-712. Supplemental enforcement action. (1) Performance bonds. The director may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this ordinance, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory

bond, payable to the department, in a sum not to exceed a value determined by the director to be necessary to achieve consistent compliance.

(2) Liability insurance. The director may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this ordinance, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

(3) Payment of outstanding fees and penalties. The director may decline to issue or reissue a wastewater discharge permit to any user who has failed to pay any outstanding fees or penalties incurred as a result of any provision of this ordinance, a previous wastewater discharge permit, or order issued hereunder.

(4) Water supply severance. Whenever a user has violated or continues to violate any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will recommence, at the user's expense, only after the user has satisfactorily demonstrated its ability to comply.

(5) Public nuisances. A violation of any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the director. Any person(s) creating a public nuisance shall be subject to the provisions of the city's codes governing such nuisances, including reimbursing the city for any costs incurred in removing, abating, of remedying said nuisance. (as added by Ord. #1197, May 2008, as replaced by Ord. #1223, March 2009)

18-713. Affirmative defenses to discharge violations. (1) Upset.

(a) For the purposes of this section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (c), below, are met.

(c) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(i) An upset occurred and the user can identity the cause(s) of the upset;

(ii) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

(iii) The user has submitted the following information to the director within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):

(A) A description of the indirect discharge and cause of noncompliance;

(B) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(C) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(d) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

(e) Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(f) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(2) Prohibited discharge standards. A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in § 18-702(1)(a) of tins ordinance or the specific prohibitions in §§ 18-702(1)(b)(iii) through (xvii) of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

(a) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

(b) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the city was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(3) Bypass. (a) For the purposes of this section:

(i) "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.

(ii) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (c) and (d) of this section.

(c) Bypass notifications. (i) If a user knows in advance of the need for a bypass, it shall submit prior notice to the director, at least ten (10) days before the date of the bypass, if possible.

(ii) A user shall submit oral notice to the director of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(d) Bypass. (i) Bypass is prohibited, and the director may take an enforcement action against a user for a bypass, unless:

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(C) The user submitted notices as required under paragraph (c) of this section.

(ii) The director may approve an anticipated bypass, after considering its adverse effects, if the director determines that it will meet the three conditions listed in paragraph (d)(i) of this

section. (as added by Ord. #1197, May 2008, as replaced by Ord. #1223, March 2009)

18-714. Wastewater treatment rates. [RESERVED]. (as added by Ord. #1197, May 2008, as replaced by Ord. #1223, March 2009)

18-715. Miscellaneous provisions. (1) Pretreatment charges and fees. The city may adopt reasonable fees for reimbursement of costs of setting up and operating the city's pretreatment program, which may include:

(a) Fees for wastewater discharge permit applications including the cost of processing such applications;

(b) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports and certification statements submitted by users;

(c) Fees for reviewing and responding to accidental discharge procedures and construction;

(d) Fees for filing appeals;

(e) Fees to recover administrative and legal costs (not included in § 18-715(1)(b)) associated with the enforcement activity taken by the director to address IU noncompliance; and

(f) Carbonaceous Biochemical Oxygen Demand (CBOD) and Total Suspended Solids (TSS) surcharge fees. These fees are to be assessed for discharges of wastewaters containing more than two hundred (200) lbs/day of CBOD and/or TSS.

CBOD and/or TSS Loading	Surcharge Fee
200.1 - 225.0 lbs/day	$1,150 / month
225.1 - 250.0 lbs/day	$2,300 / month
250.1 lbs/day or more	$3,450 / month

The surcharge fee shall be assessed if either the CBOD or the TSS is greater than two hundred (200) lbs/day. The surcharge shall not be doubled if both are higher, but the higher result will be used to determine the amount of the surcharge. The monthly amount CBOD and TSS discharged will be based on the average of all sample results submitted for the parameters for the month and the actual average monthly flow from the facility. The surcharge will be assessed on the monthly bill following the month of actual discharge.

(2) Severability. If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect. (as added by Ord. #1197, May 2008, replaced by Ord. #1223, March 2009, and amended by Ord. #1452, April 2015)

TITLE 19

ELECTRICITY AND GAS

CHAPTER
1. ELECTRICITY.
2. GAS.

CHAPTER 1

ELECTRICITY[1]

SECTION
19-101. To be furnished under franchise.

19-101. To be furnished under franchise. Electricity shall be furnished for the city and its inhabitants under such franchise as the board of mayor and aldermen shall grant.[2] The rights, powers, duties, and obligations of the city, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned. (1972 Code, § 13-601)

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[1]Municipal code reference
Electrical code: title 12.

[2]The agreements are of record in the office of the finance director.

CHAPTER 2

GAS[1]

SECTION

19-201. To be furnished under franchise.

19-201. To be furnished under franchise. Gas service shall be furnished for the city and its inhabitants under such franchise as the board of mayor and aldermen shall grant. The rights, powers, duties, and obligations of the city, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned.[2] (1972 Code, § 13-602)

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[1]Municipal code reference
Gas code: title 12.

[2]The agreements are of record in the office of the finance director.

TITLE 20

MISCELLANEOUS

CHAPTER
1. CODES AND HEALTH DEPARTMENT.
2. RENTAL OF CITY EQUIPMENT.
3. LOCAL GOVERNMENT AGENCY ASSISTANCE.
4. MISCELLANEOUS.

CHAPTER 1

CODES AND HEALTH DEPARTMENT

SECTION
20-101. Establishment.
20-102. Objectives.
20-103. Administrator.
20-104. Powers.
20-105. Duties.

20-101. Establishment. There is hereby established a codes and health department, to provide assistance to the planning commission and to the street and sanitation committee of the City of Manchester. The department shall consist of an administrator, and other subordinate employees, who will report to the safety committee. (1972 Code, § 1-901, as amended by Ord. #895, July 2000; Ord. #982, April 2002; and Ord. #1004, Aug. 2002)

20-102. Objectives. The codes and health department shall have the following objectives:

(1) To enforce the zoning ordinances of the city.

(2) To assure compliance with all health and sanitation ordinances of the city.

(3) To issue and regulate building permits.

(4) To assure compliance with the building codes of the city.

(5) To act as fire inspector. (1972 Code, § 1-902, as amended by Ord. #1262, Feb. 2010)

20-103. Administrator. The administrator shall be appointed by the board of mayor and aldermen, subject to job specifications, as defined by resolution. The administrator shall serve at the will of the legislative body. (1972 Code, § 1-903, as amended by Ord. #1220, Jan. 2009)

20-104. Powers. The powers of the administrator shall be:

(1) Whenever necessary to make an inspection to enforce any of the provisions of the Manchester Municipal Code or whenever the administrator has reasonable cause to believe that there exists any condition or code violation which makes such building or premises unsafe, dangerous or hazardous. The administrator may enter such building at all reasonable times to inspect or to perform any duties imposed upon him, provided that if such building or premises is occupied, he shall first present proper credentials and request entry. If unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the administrator shall have recourse to every remedy provided by law to secure entry.

(2) When the administrator shall have obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry for the purpose of inspection and examination pursuant to the code.

(3) Upon notice from the administrator, work on any system that is being done contrary to the provisions of the code or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the administrator shall not be required to give a written notice prior to stopping the work.

(4) The administrator may revoke a permit or approval, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

(5) The administrator may revoke a permit upon determination that the construction, erection, alteration, repair, moving or demolition of the building for which the permit was issued is in violation of, or not in conformity with, the provisions of the code.

(6) All buildings or structures which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings. All such unsafe buildings are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition.

(7) Any other powers consistent with the enforcement of codes, zoning, street or sanitation ordinances of the City of Manchester. (1972 Code, § 1-904)

20-105. Duties. The duties of the administrator shall be:

(1) To issue building permits.

(2) To perform the necessary inspections to insure code and zoning compliance.

(3) To enforce code, zoning and sanitation ordinances.

(4) To serve as health officer of the city.

(5) To review and apply all ordinances of the city, and to recommend changes to applicable codes, policies and procedures.

(6) To attend planning commission meetings and meetings of the street and sanitation committee and acts as liaison to the mayor. (1972 Code, § 1-905)

CHAPTER 2

RENTAL OF CITY EQUIPMENT

SECTION

20-201. Street department authorized to charge for miscellaneous services.
20-202. Street sweeper.

20-201. Street department authorized to charge for miscellaneous services. The City of Manchester, Tennessee is authorized to rent street equipment or perform services based on the labor and equipment rates then charged the State of Tennessee, Department of Transportation, with a one (1) hour minimum charge.

(1) Labor or equipment may be rented for the benefit of a private citizen, a for-profit corporation, a partnership or any other business, only if it is necessary to bring the property into compliance with current city ordinances, or for drainage purposes, or in accordance with § 20-202. In no event shall inmate labor be used on private property.

(2) Rented equipment may be used only inside the corporate limits and shall be operated only by authorized city employees and during their regular working hours unless written permission is first received from at least two (2) members of the Street and Sanitation Committee.

(3) The owner of property upon which said equipment shall be operated must agree to and sign a statement prior to the beginning of work waiving any liability on the part of the City of Manchester for damages to personal or real property and must execute a hold harmless agreement, holding the City of Manchester harmless from any damages or personal in injury resulting proximately from the operation of said equipment on the owner's estate.

(4) Payment for work done shall be due and payable within thirty (30) days of billing and if unpaid after that time, a ten (10) percent penalty shall be added and the total amount represented by the billing and penalty shall be placed on the real or personal property tax roles of the City of Manchester, Tennessee and assessed against the real estate on which the work was performed and shall be collected in the same manner as other city property taxes or by civil action in the same manner as the collection of debt at the option of the city. If the charges are referred to the city attorney's office for collection as a civil debt, an attorney's fee may be added in the discretion of the Court. (1972 Code, § 1-1401)

20-202. Street sweeper. The City of Manchester, Tennessee, is authorized to rent its street sweeper if used inside the corporate limits and operated by authorized city employees either during or after regular working hours, either on public property or for the benefit of a private citizen, a for-profit

corporation, a partnership or any other business if the party renting the equipment agrees to pay the labor and equipment rates then charged by the State of Tennessee, Department of Transportation, with a two hour minimum charge and complies with the provisions of § 20-201(3) and (4). (1972 Code, § 1-1402)

CHAPTER 3

LOCAL GOVERNMENT EMERGENCY ASSISTANCE

SECTION

20-301. Definitions.
20-302. Requesting assistance.
20-303. Responding to a request for emergency assistance.

20-301. Definitions. (1) "Emergency assistance" as defined in the Local Government Emergency Assistance Act of 1987 shall mean fire fighting assistance, law enforcement assistance, public works assistance, emergency medical assistance, civil defense assistance, or other emergency assistance provided by local government or any combination or all of these requested by a local government in an emergency situation in which the sources of the requesting local government are not adequate to handle the emergency.

(2) "Local government" shall mean any incorporated city or town, metropolitan government, county utility district, metropolitan airport authority, or other regional district or authority.

(3) "Requesting party" means a local government which requests emergency assistance.

(4) "Responding party" means a local government which responds to a request for emergency assistance.

(5) "Appropriate senior officer" shall mean the department head, or the officer in charge of a shift when the request for assistance is made. (1972 Code, § 1-1801)

20-302. Requesting assistance. All requests for emergency assistance made on behalf of the City of Manchester shall be made or authorized by the senior officer of the requesting agency. The City of Manchester through its appropriate senior officer, in accordance with the provisions of the Local Government Emergency Assistance Act of 1987, will be in full command of its emergency as to strategy, tactics, and overall direction of the operation and shall direct the actions of the responding party by relaying orders to the senior officer in command of the responding party.

The City of Manchester accepts liability for damages or injuries, as defined in Tennessee Code Annotated, § 29-20-101 et seq., caused by the negligence of its employees or the employees (including authorized volunteers) of a responding party while under the command of the senior officer of the City of Manchester. However, the City of Manchester does not accept liability for damages to the equipment or personnel (including authorized volunteers) of a responding party, nor is the City of Manchester liable for any damages caused by the negligence of the personnel of the responding party while enroute to or returning from the scene of the emergency.

The City of Manchester acknowledges that any party from whom assistance is requested has no duty to respond nor does it have any duty to stay at the scene of the emergency and may depart at its discretion. (1972 Code, § 1-1802)

20-303. Responding to a request for emergency assistance. The City of Manchester will respond to calls for emergency assistance only upon request for such assistance made by the appropriate senior officer on duty for the requesting city. All requests for emergency assistance shall be made only to the senior officer of the appropriate department of the City of Manchester.

Upon the receipt of a request for aid as provided for in the preceding paragraph the city is authorized to respond as follows:

(1) The city is authorized to provide at least one (1) piece of equipment and one (1) person or crew from that particular service area from which emergency assistance is requested.

(2) The greatest response that the city will provide is fifty percent (50%) of the personnel and resources of that particular service for which emergency assistance is requested. The city response shall be determined by the severity of the emergency in the requesting party's jurisdiction as senior officer of the requesting party.

The City of Manchester has no duty to respond to a request and will reject a request for emergency assistance or will depart from the scene of the emergency based upon the discretionary judgment of the appropriate senior officer in command at the scene of the emergency or the appropriate senior officer for that service for the City of Manchester. In cases where two or more requests for emergency assistance are made at the same time, the appropriate senior officer of the City of Manchester shall determine, based upon a reasonable appraisal of the emergencies of the requesting jurisdictions, how best to respond to the requests. The appropriate senior officer may determine to send all available resources to the jurisdiction with the most dire emergency, or may send some resources to each requesting jurisdiction.

The city accepts full liability, as defined in Tennessee Code Annotated, § 29-20-101 et seq., for any damages for its equipment and personnel in responding to a request for emergency assistance and for damages caused by its equipment or personnel while enroute to or returning from the scene of the emergency. However, the city shall not be liable for any property damage or bodily injury at the actual scene of any emergency due to actions which are performed in responding to a request for emergency assistance.

The personnel of the City of Manchester shall have extended to any geographic area necessary as a result of a request for emergency assistance the same jurisdiction, authority, rights, privileges, and immunities, including coverage under the Worker's Compensation Laws, which they have in the City of Manchester.

Emergency assistance requests or responses will be made only with those local governments that have also adopted policies and procedures that govern their actions during such requests or responses. (1972 Code, § 1-1803)

CHAPTER 4

MISCELLANEOUS

SECTION

20-401. No utilities to be furnished without approval of building inspector.
20-402. Regulations binding upon plumbers and contractors.
20-403. Restricted use of fire hydrants.
20-404. False alarm fees.
20-405. Maximum number of nonresident students permitted to attend city schools by virtue of payment of tuition.
20-406. When newspaper advertisement is required.
20-407. Fees for use of recreation center swimming pool.
20-408. Unclaimed property policy.

20-401. No utilities to be furnished without approval of building inspector. (1) Building permit required. A public or private utility department, company, or corporation shall not connect utilities to a building or structure until the property owner shall present a valid building permit, signed by the building inspector, for that structure.

(2) Certificate of occupancy required. A public or private utility department, company, or corporation shall not begin service, turn on water, electricity, or gas, or in any way furnish service to a structure until the property owner shall present a valid certificate of occupancy, signed by the building inspector, for that structure.

(3) Mobile home permit required. A public or private utility department, company, or corporation shall not begin service, turn on water, electricity, or gas, or in any way furnish service to a mobile home until the mobile home owner or lessee shall present a valid mobile home permit, signed by the building inspector.

(4) Enforcement. It shall be the duty and responsibility of the building inspector to enforce and administer the provisions of this section.

(5) Violations. Any person or corporation who violates the provisions of this section, or fails to perform the reasonable requirements of the city building inspector after receipt of thirty (30) days written notice of such requirements, shall be guilty of a misdemeanor.

If a utility department, company, or corporation does connect with the system of a structure or initiates service in violation of this section, the city building inspector shall direct that department, company, or corporation to close the connection and discontinue service at the department, company, or corporation's expense. (1972 Code, § 13-603)

20-402. Regulations binding upon plumbers and contractors. Any section of this chapter which applies to construction and repair shall be as

binding upon the plumbers and contractors as upon the owner and consumer. (1972 Code, § 13-604)

20-403. Restricted use of fire hydrants. Any fire hydrant not capable of producing a flow of 500 gallons per minute while providing a minimum residual pressure of 20 pounds per square inch at all points along the line shall be painted yellow, and pumper type fire trucks shall not be allowed to connect to those fire hydrants. (1972 Code, § 13-605)

20-404. False alarm fees. Whenever a police or fire alarm is activated that requires an emergency response to the location by either the police department or the fire department, then the officer responding to the activated alarm system shall inspect the area protected by the system and shall determine whether the emergency response is in fact required as indicated by the alarm system or whether in some way the alarm system has malfunctioned and activated a false alarm.

It is hereby found and determined that all false alarms constitute a public nuisance and charges for those false alarms shall be $25.00 for each alarm except those caused by violent acts of nature, provided however that each alarm user shall not be charged for the first two false alarms of each calendar year.

The service charge for answering a false alarm shall be billed and payment made within thirty days from the date of the billing. Failure to make payments within thirty days from date of the billing shall result in a discontinuance of the police or fire response to the alarm, and disconnection without further notice to the property owner.

The penalty for monitoring alarm systems shall increase or decrease automatically in compliance with state law as codified by T.C.A. § 62-32-321. (1972 Code, § 13-606)

20-405. Maximum number of nonresident students permitted to attend city schools by virtue of payment of tuition. The maximum number of nonresident students permitted to attend Manchester City Schools by virtue of payment of tuition shall be established as twenty percent (20%). (as added by Ord. #1510, January 2017)

20-406. When newspaper advertisement is required. Where any provision of this code requires newspaper advertisement and advertisement in a newspaper is not required by state or federal law or due to the requirement of any grant or similar program to which the advertisement applies; the mayor may direct another form of advertisement as the circumstances may warrant including but not limited to posting on the city's website, radio or a combination. Any state, federal or grant advertising requirements is not affected by this ordinance. (as added by Ord. #1605, Nov. 2020 ***Ch21_07-05-22***)

20-407. Fees for use of recreation center swimming pool. The following fee schedule shall apply to rental of three to eight (3-8) lands of the "laned" pool:

(1) The city will provide two (2) lifeguards.

(2) Attendance is limited to a total of twenty-five (25) people in the pool and/or on the pool deck.

(3) The fee will be the hourly rate paid by the city to lifeguards multiplied by the number of lifeguards actually assigned to the event which shall be no less than two (2). At the time this section is enacted, the rate is nine dollars ($9.00) per hour lifeguard; however if the rate increases, the fee increases.

(4) In the event a user anticipates more than twenty-five (25) people participating in the water and on the deck; it shall notify the recreation director who may add additional lifeguards with a concomitant increase in per hour fee.

(5) There shall be a cancellation fee of one (1) hour's fee (two (2) times the lifeguard hourly rate) if the user cancels any event or reservation less than forty-eight (48) hours before its scheduled start absent exigent circumstances.

(6) All reserved times shall be approved by the recreation director.

(7) The recreation director may refuse to allow a group or individual to participate under this fee structure due to past violations of any recreation center rules.

(8) The per-hour fee will not be prorated or reduced by the use of the lane pool by others if lanes are not utilized by the reserving/renting person or group.

(9) In the event an organization or group wishes to hold a swim "meet" or competition allowing persons not members to participate; the fee is ten dollars ($10.00) per lane per hour.

(10) This fee structure is available only for individual usage or non-profit organizations or group. It is not available for commercial or profit-making uses. (as added by Ord. #1672, May 2022 ***Ch22_04-04-23***)

20-408. Unclaimed property policy. (1) Unclaimed property -- definition, exceptions. "Unclaimed property" as used in this ordinance includes all property that comes to be in the possession of the city through abandonment or other means. Tennessee's Uniform Unclaimed Property Act applies to the unclaimed property the city is holding for other organizations or individuals and for which the city has had no contact with the apparent owner for a minimum of one (1) year up to the maximum statutory period.

"Unclaimed property" includes, but is not limited to:

(a) Uncashed payroll checks
(b) Uncashed disbursement checks
(c) Uncashed miscellaneous checks
(d) Credit balances in accounts receivables
(e) Utility deposits

(f) Unclaimed personal property

Exceptions: "Unclaimed property" does not include:

(a) Real property;

(b) City surplus property;

(c) Any weapon, including but not limited to firearms or knives; or

(d) Property that is seized and/or forfeited through law enforcement action.

(2) Due diligence required for unclaimed property. (a) Before reporting unclaimed property to the Tennessee Department of Treasury, the city must exercise due diligence by attempting to notify the individual who is the apparent owner of the property in writing that the city is in possession of unclaimed property belonging to the individual in an amount of fifty dollars ($50.00) or greater. The notice must also include information on how the apparent owner can claim the property.

(b) The written notice must be sent via first-class or registered mail to the last known address of the apparent owner.

(c) Such written notice must be sent not more than one hundred eighty (180) days, nor less than sixty (60) days, before filing the report with the Tennessee Department of Treasury.

(d) If an apparent owner of unclaimed property consented to receive electronic mail communications from the city, the city shall send the notice by both first-class mail to the apparent owner's last known mailing address and by electronic mail, unless the city has reason to believe that the apparent owner's electronic mail address is not valid.

(e) The notice of the apparent owner must contain in a heading that reads substantially the same as the following: "Notice: The State of Tennessee required us to notify you that your property may be transferred to the custody of the treasurer if you do not contact us within thirty (30) days after the date of this notice."

(f) Mail returned as "undeliverable" is evidence that the apparent owner cannot be located. When the apparent owner cannot be located, the property is considered abandoned and the city must report it to the Tennessee Department of Treasury as unclaimed property.

(g) No written notice is required to be sent to an apparent owner when the property that comes into the possession of the city is not at least fifty dollars ($50.00). The property must be submitted to the Tennessee Department of Treasury with the other unclaimed property that comes into the possession of the city during each respective calendar year.

(3) Methods of disposal of unclaimed property. (a) Methods of disposal which may be used by the purchasing agent shall include:

(i) Sales at public auction, publicly advertised and held;

(ii) Sale under sealed bids, publicly advertised, opened and recorded; or

(iii) Sale by internet auction.

(b) Notice of any public auctions and sales under the sealed bids, as provided in this part, shall be publicly advertised and publicly held. Notice of intended sale by public auction or sale under sealed bid shall be published by the purchasing agent in at least one (1) newspaper of general circulation in Coffee County. Such notice shall specify and reasonably describe the property to be sold, the date, time, place, manner, and conditions of sale, all as previously determined by the purchasing agent in accordance with the regulations of the city. The advertisement shall be printed in the public notice or equivalent section of the newspaper and shall be run not less than one (1) day. The auction or sale under sealed bid shall be made not sooner than seven (7) days after the last day of publication nor later than fifteen (15) days after the last day of publication of the required notice, excluding Saturdays. Sundays, and holidays. Prominent notice shall be posted conspicuously for ten (10) days prior to the date of disposal, excluding Saturdays, Sundays, and holidays, in at least two (2) public places in the county. Furthermore, notice shall be sent to the county clerk and such notice shall be posted in the county courthouse unless otherwise directed by the purchasing agent.

(c) Notice of intended disposal by internet auction shall be posted on the city's website notifying the public of such intended internet sale. Such notice shall identify the website and provide a link to the online auction website in which any citizen may view and/or bid on any article. The website notice shall be displayed on a basis of twenty-four (24) hours a day, seven (7) days per week. The website notice shall reasonably describe the property to be sold, the date(s), time, manner, and conditions of sale, all as previously determined by the internet auction provider in accordance with the contract and/or signed agreement with the city.

(d) The purchasing agent shall furnish the governing body a list of all unclaimed personal property disposed of, the method of disposal of such property, and the price obtained as a result of the sale of any unclaimed property.

(4) Disposition of proceeds of sale of unclaimed property. (a) All funds received from the sale of unclaimed property from any city department shall be paid by the purchasing agent into the city treasury. The purchasing agent shall certify to the city treasurer the expense incurred in making the sale or otherwise disposing of such property, including the costs and expenses of storage during the period of such property was in the possession of the city. All funds received from the sales of unclaimed personal property shall be paid into the general fund.

(b) If the owner of any article of unclaimed personal property sold presents satisfactory proof to the city that they were the owner of any article sold within a period of thirty (30) days after the sale, they shall be entitled to the proceeds of the sale thereof, less their proportionate share of the expenses of the sale. (as added by Ord. #1702, Nov. 2023 ***Ch23_08-06-24***)

ORDINANCE NO. 839

AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF MANCHESTER TENNESSEE.

WHEREAS some of the ordinances of the City of Manchester are obsolete, and

WHEREAS some of the other ordinances of the city are inconsistent with each other or are otherwise inadequate, and

WHEREAS the Board of Mayor and Aldermen of the City of Manchester, 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 "Manchester Municipal Code," now, therefore:

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF MANCHESTER, 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 "Manchester 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 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."[1]

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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[1]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 finance director's office for public use and inspection at all reasonable times.

Section 10. Date of effect. This ordinance shall take effect from and after its final passage, the public welfare requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

PASSED FIRST READING: September 1, 1998.

PASSED SECOND READING: September 15, 1998.

PASSED THIRD AND FINAL READING: November 17, 1998.

Coy A. Noblitt

COY A. NOBLITT, MAYOR

ATTEST:

SUSAN WILSON, FINANCE DIRECTOR