

**THE  
WAYNESBORO  
MUNICIPAL  
CODE**

Prepared by the

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

in cooperation with the

**TENNESSEE MUNICIPAL LEAGUE**

February 1995

**CITY OF WAYNESBORO, TENNESSEE**

**MAYOR**

Robert Vencion

**VICE MAYOR**

Tony Creasy

**COMMISSIONERS**

Dan Creasy  
Scott Kelly  
Mike Ray

**MANAGER**

Victor H. Lay

**RECORDER**

Darlene Skelton

## Preface

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

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

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

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

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

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

(3) That the city agrees to reimburse MTAS for the actual costs of reproducing replacement pages for the code (no charge is made for the consultant's work, and reproduction costs are usually nominal).

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

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

Steve Lobertini  
Codification Specialist

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

1. General power to enact ordinances: (6-19-101)
2. All ordinances shall begin, "Be it ordained by the City of Waynesboro as follows:" (6-20-214)
3. Ordinance procedure
  - (a) Every ordinance shall be read two (2) different days in open session before its adoption, and not less than one (1) week shall elapse between first and second readings, and any ordinance not so read shall be null and void. Any city incorporated under chapters 18-23 of this title may establish by ordinance a procedure to read only the caption of an ordinance, instead of the entire ordinance, on both readings. Copies of such ordinances shall be available during regular business hours at the office of the city recorder and during sessions in which the ordinance has its second reading.
  - (b) An ordinance shall not take effect until fifteen (15) days after the first passage thereof, except in case of an emergency ordinance. An emergency ordinance may become effective upon the day of its final passage, provided, that it shall contain the statement that an emergency exists and shall specify with distinctness the facts and reasons constituting such an emergency.
  - (c) The unanimous vote of all members of the board present shall be required to pass an emergency ordinance.
  - (d) No ordinance making a grant, renewal, or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility shall ever be passed as an emergency ordinance. No ordinance shall be amended except by a new ordinance. (6-20-215)
4. Each ordinance of a penal nature, or the caption of each ordinance of a penal nature, shall be published after its final passage in a newspaper of general circulation in the city. (6-20-218)

ORDINANCE NO. 686A**AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF WAYNESBORO, TENNESSEE.**

WHEREAS some of the ordinances of the City of Waynesboro 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 commissioners of the City of Waynesboro, 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 "Waynesboro Municipal Code," now, therefore:

BE IT ORDAINED BY THE CITY OF WAYNESBORO, AS FOLLOWS:<sup>1</sup>

**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 "Waynesboro 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

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<sup>1</sup>Charter reference

Tennessee Code Annotated, § 6-20-214.

resolutions not in conflict or inconsistent with the provisions of such code; the portion of any ordinance not in conflict with such code which regulates speed, direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the city; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the city.

**Section 4. Continuation of existing provisions.** Insofar as the provisions of the municipal code are the same as those of ordinances existing and in force on its effective date, said provisions shall be considered to be continuations thereof and not as new enactments.

**Section 5. Penalty clause.** Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than five hundred dollars (\$500.00) and costs for each separate violation; provided, however, that the imposition of a civil penalty under the provisions of this municipal code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. In any place in the municipal code the term "it shall be a misdemeanor" or "it shall be an offense" or "it shall be unlawful" or similar terms appears in the context of a penalty provision of this municipal code, it shall mean "it shall be a civil offense." Anytime the word "fine" or similar term appears in the context of a penalty provision of this municipal code, it shall mean "a civil penalty."<sup>1</sup>

When a civil penalty is imposed on any person for violating any provision of the municipal code and such person defaults on payment of such

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<sup>1</sup>State law reference

For authority to allow deferred payment of fines, or payment by installments, see Tennessee Code Annotated, § 40-24-101 et seq.

penalty, he may be required to perform hard labor, within or without the workhouse, to the extent that his physical condition shall permit, until such civil penalty is discharged by payment, or until such person, being credited with such sum as may be prescribed for each day's hard labor, has fully discharged said penalty.

Each day any violation of the municipal code continues shall constitute a separate civil offense.

**Section 6. Severability clause.** Each section, subsection, paragraph, sentence, and clause of the municipal code, including the codes and ordinances adopted by reference, is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the municipal code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

**Section 7. Reproduction and amendment of code.** The municipal code shall be reproduced in loose-leaf form. The board of commissioners, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the municipal code and revisions thereto. After adoption of the municipal code, each ordinance affecting the code shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of said code. Periodically thereafter all affected pages of the municipal code shall be revised to reflect such amended, added, or deleted material and shall be distributed to city officers and employees having copies of said code and to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the numbers of ordinances making the amendments or adding the new provisions, and such references shall be cumulative if a section is amended more than once in order that the current copy of the municipal code will contain references to all ordinances responsible for current provisions. One copy of the municipal code as originally adopted and one copy of each amending ordinance thereafter adopted shall be furnished to the Municipal Technical Advisory Service immediately upon final passage and adoption.

**Section 8. Construction of conflicting provisions.** Where any provision of the municipal code is in conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

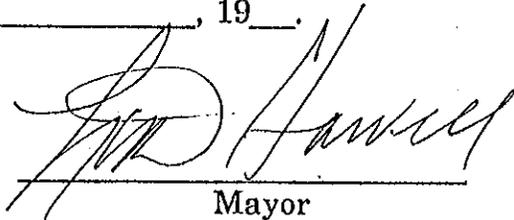
**Section 9. Code available for public use.** A copy of the municipal code shall be kept available in the recorder's office for public use and inspection at all reasonable times.

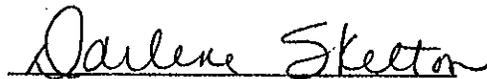
**Section 10. Date of effect.** This ordinance shall take effect from and after its final passage, the public welfare requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

Passed 1st reading May 22, 1995.

Passed 2nd reading June 12, 1995.

Passed 3rd reading \_\_\_\_\_, 19\_\_\_\_.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Recorder

**TITLE 1**

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

**CHAPTER**

1. GOVERNING BODY.
2. RECORDER.
3. CITY MANAGER.

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<sup>1</sup>Charter reference

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.

Water and sewers: title 18.

Zoning: title 14.

## CHAPTER 1

### GOVERNING BODY<sup>1</sup>

#### SECTION

1-101. Time and place of regular meetings.

1-102. Order of business.

1-103. General rules of order.

**1-101. Time and place of regular meetings.** The governing body shall hold regular monthly meetings at 7:00 P.M. on the second and fourth Monday of each month in the office of the mayor. (1973 Code, § 1-101, as amended by Ord. #686, April 1995)

**1-102. Order of business.** At each meeting of the governing body 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 recorder.
- (3) Reading of minutes of the previous meeting by the recorder and approval or correction.
- (4) Grievances from citizens.
- (5) Communications from the mayor.

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#### <sup>1</sup>Charter reference

For detailed provisions of the charter related to the election, and to general and specific powers and duties of, the board of commissioners, see Tennessee Code Annotated, title 6, chapter 20. (There is an index at the beginning of chapter 20 which provides a detailed breakdown of the provisions in the charter.) In addition, see the following provisions in the charter that outline some of the powers and duties of the board of commissioners:

Appointment and removal of city judge: § 6-21-501.

Appointment and removal of city manager: § 6-21-101.

Compensation of city attorney: § 6-21-202.

Creation and combination of departments: § 6-21-302.

Subordinate officers and employees: § 6-21-102.

Taxation

Power to levy taxes: § 6-22-108.

Change tax due dates: § 6-22-113.

Power to sue to collect taxes: § 6-22-115.

Removal of mayor and commissioners: § 6-20-220.

- (6) Reports from committees, members of the governing body and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment. (1973 Code, § 1-102)

**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 governing body 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. (1973 Code, § 1-103, modified)

## CHAPTER 2

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

#### SECTION

1-201. To keep minutes, etc.

1-202. To perform general administrative duties, etc.

1-203. To be bonded.

1-204. Fees.

**1-201. To keep minutes, etc.** The recorder shall keep the minutes of all meetings of the governing body and shall preserve the original copy of all ordinances in a separate ordinance book. (1973 Code, § 1-302)

**1-202. To perform general administrative duties, etc.** The recorder shall perform all administrative duties for the governing body and for the municipality which are not expressly assigned by the charter or this code to another corporate officer. He shall also have custody of, and be responsible for maintaining all corporate bonds, records, and papers in such fireproof vault or safe as the municipality shall provide. (1973 Code, § 1-303)

**1-203. To be bonded.** The recorder shall be bonded in the sum of ten thousand dollars (\$10,000.00), with surety acceptable to the governing body, before assuming the duties of his office. (1973 Code, § 1-301)

**1-204. Fees.** The city recorder shall be entitled to the same amount in fees for his services as are provided for justice of the peace for like services under state law. (1973 Code, § 1-304)

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<sup>1</sup>Charter references

For charter provisions outlining the duties and powers of the recorder, see Tennessee Code Annotated, title 6, chapter 21, part 4, and title 6, chapter 22. Where the recorder also serves as the treasurer, see Tennessee Code Annotated, title 6, chapter 22, particularly § 6-22-119.

**CHAPTER 3****CITY MANAGER<sup>1</sup>****SECTION**

1-301. Generally supervises municipality's affairs.

1-302. Executes municipality's contracts.

**1-301. Generally supervises municipality's affairs.** The city manager shall have general supervision of all municipal affairs and may require such reports from the officers and employees as he may reasonably deem necessary to carry out his executive responsibilities. (1973 Code, § 1-201)

**1-302. Executes municipality's contracts.** The city manager shall execute all contracts authorized by the governing body. (1973 Code, § 1-202)

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<sup>1</sup>Charter reference

For charter provisions outlining the appointment and removal of the city manager, see Tennessee Code Annotated, title 6, chapter 21, part 1, particularly § 6-21-101. For specific charter provisions related to the duties and powers of the city manager, see the sections indicated:

Administrative head of city: § 6-21-107.

Appointment and removal of officers and employees: §§ 6-21-102, 6-21-108, 6-21-401, 6-21-601, 6-21-701 and 6-21-704, 6-22-101.

General and specific administrative powers: § 6-21-108.

School administration: § 6-21-801.

Supervision of departments: § 6-21-303.

**TITLE 2****BOARDS AND COMMISSIONS, ETC.****CHAPTER****1. PARKS AND RECREATION REGULATORY BOARD.****CHAPTER 1****PARKS AND RECREATION REGULATORY BOARD****SECTION**

2-101. Established.

**2-101. Established.** A Parks and Recreation Regulatory Board is hereby established, to be appointed by the Commissioners of the City of Waynesboro, consisting of five (5) members to serve at the pleasure of the board for a term of three (3) years. The initial Park Commission Regulatory Board shall consist of the following personnel duly appointed by the city commissioners for the following terms: Alta Brown for one year; Gail Barnett and Charles Hasting for two years; Robert Cole and Mike Kemper for three years. Members of the parks commission may be reappointed by the commission with the terms to be staggered providing for uniformity of board action. (Ord. #657-A, Dec. 1986, as amended by Ord. #659, July 1987)

**TITLE 3****MUNICIPAL COURT<sup>1</sup>****CHAPTER**

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

**CHAPTER 1****CITY JUDGE****SECTION**

3-101. City judge.

**3-101. City judge.** The officer designated by the charter to handle judicial matters within the municipality shall preside over the city court, and shall be known as the city judge. (1973 Code, § 1-501)

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<sup>1</sup>Charter references

For provisions of the charter governing the city judge and city court operations, see Tennessee Code Annotated, title 6, chapter 21, part 5. For specific charter provisions in part 5 related to the following subjects, see the sections indicated:

City judge:

Appointment and term: § 6-21-501.

Jurisdiction: § 6-21-501.

Qualifications: § 6-21-501.

City court operations:

Appeals from judgment: § 6-21-508.

Appearance bonds: § 6-21-505.

Arrest warrants: § 6-21-504.

Docket maintenance: § 6-21-503.

Fines and costs:

Amounts: §§ 6-21-502, 6-21-507.

Collection: § 6-21-507.

Disposition: § 6-21-506.

## CHAPTER 2

### COURT ADMINISTRATION

#### SECTION

- 3-201. Maintenance of docket.
- 3-202. Imposition of fines and costs.
- 3-203. Disposition and report of fines and costs.
- 3-204. Disturbance of proceedings.
- 3-205. Trial and disposition of cases.

**3-201. 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. (1973 Code, § 1-502)

**3-202. Imposition of fines and costs.** All fines and costs shall be imposed and recorded by the city judge on the city court docket in open court.

In all cases heard or determined by him, the city judge shall tax in the bill of costs the same amounts and for the same items allowed in courts of general sessions<sup>2</sup> for similar work in state cases. (1973 Code, § 1-508)

**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 municipality. At the end of each month he shall submit to the governing body 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. (1973 Code, § 1-511)

**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. (1973 Code, § 1-512)

**3-205. Trial and disposition of cases.** Every person charged with violating a municipal 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

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<sup>2</sup>State law reference

Tennessee Code Annotated, § 8-21-401.

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. (1973 Code, § 1-506)

## CHAPTER 3

### WARRANTS, SUMMONSES AND SUBPOENAS

#### SECTION

3-301. Issuance of arrest warrants.

3-302. Issuance of summonses.

3-303. Issuance of subpoenas.

**3-301. Issuance of arrest warrants.**<sup>3</sup> The city judge shall have the power to issue warrants for the arrest of persons charged with violating municipal ordinances. (1973 Code, § 1-503)

**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. (1973 Code, § 1-504)

**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. (1973 Code, § 1-505)

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<sup>3</sup>State law reference

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

## CHAPTER 4

### BONDS AND APPEALS

#### SECTION

3-401. Appearance bonds authorized.

3-402. Appeals.

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

**3-401. Appearance bonds authorized.** When the city judge is not available or when an alleged offender requests and has reasonable grounds for a delay in the trial of his case, he may, in lieu of remaining in jail pending disposition of his case, be allowed to post an appearance bond with the city judge or, in the absence of the judge, with the ranking police officer on duty at the time, provided such alleged offender is not drunk or otherwise in need of protective custody. (1973 Code, § 1-507)

**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.<sup>4</sup> (1973 Code, § 1-509)

**3-403. Bond amounts, conditions, and forms.** An appearance bond in any case before the city court shall be in such amount as the city judge shall prescribe and shall be conditioned that the defendant shall appear for trial before the city court at the stated time and place. An appeal bond in any case shall be in the sum of two hundred and fifty dollars (\$250.00) and shall be conditioned that if the circuit court shall find against the appellant the fine and all costs of the trial and appeal shall be promptly paid by the defendant and/or his sureties. An appearance or appeal bond in any case may be made in the form of a cash deposit or by any corporate surety company authorized to do business in Tennessee or by two (2) private persons who individually own real property located within the county. No other type bond shall be acceptable. (1973 Code, § 1-510)

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<sup>4</sup>State law reference

Tennessee Code Annotated, § 27-5-101.

## TITLE 4

### MUNICIPAL PERSONNEL

#### CHAPTER

1. SOCIAL SECURITY FOR OFFICERS AND EMPLOYEES.
2. PERSONNEL SYSTEM.
3. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.
4. TRAVEL AND EXPENSE POLICY.

#### CHAPTER 1

### SOCIAL SECURITY FOR OFFICERS AND EMPLOYEES

#### SECTION

- 4-101. Policy and purpose as to coverage.
- 4-102. Necessary agreements to be executed.
- 4-103. Withholdings from salaries or wages.
- 4-104. Appropriations for employer's contributions.
- 4-105. Records and reports.
- 4-106. Exclusion of coverage due to another retirement system.
- 4-107. Exclusion of coverage due to lack of authorization.

**4-101. Policy and purpose as to coverage.** It is declared to be the policy and purpose of this municipality to extend, at the earliest date, to the employees and officials thereof, not excluded by law or this chapter, and whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance as authorized by the Federal Social Security Act and amendments thereto, including Public Law 734-81st Congress. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state and federal laws or regulations. (1973 Code, § 1-701)

**4-102. Necessary agreements to be executed.** The mayor is hereby authorized and directed to execute all the necessary agreements and amendments thereto with the state executive director of old age insurance, as agent or agency, to secure coverage of employees and officials as provided in the preceding section. (1973 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. (1973 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. (1973 Code, § 1-704)

**4-105. Records and reports.** The recorder shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1973 Code, § 1-705)

**4-106. Exclusion of coverage due to another retirement system.** 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. (1973 Code, § 1-706)

**4-107. Exclusion of coverage due to lack of authorization.** There is hereby excluded from this chapter any authority to make any agreement with respect to any employee or official not authorized to be covered by applicable state or federal laws or regulations. (1973 Code, § 1-707)

## CHAPTER 2

### PERSONNEL SYSTEM

#### SECTION

- 4-201. Purpose.
- 4-202. Coverage.
- 4-203. Administration.
- 4-204. Personnel rules and regulations.
- 4-205. Records.
- 4-206. Right to contract for special services.
- 4-207. Discrimination.
- 4-208. Amendments.

**4-201. Purpose.** The purpose of this chapter is to establish a system of personnel administration in the City of Waynesboro that is based on merit and fitness. The system shall provide means to select, develop, and maintain an effective municipal work force through the impartial application of personnel policies and procedures free of personal and political considerations and regardless of race, sex, age, creed, national origin, or handicapping condition. (Ord. #683, March 1994)

**4-202. Coverage.** All offices and positions of the municipal government are divided into the classified service and the exempt service. The classified service shall include all regular full-time and regular part-time positions in the city's service unless specifically placed in the exempt service. All offices and positions of the municipal government placed in the exempt service are as follows:

- (1) All elected officials.
- (2) The city manager.
- (3) Members of appointed boards and commissions.
- (4) Consultants, advisers, and legal counsel rendering temporary professional service.
- (5) The city attorney.
- (6) Independent contractors.
- (7) Persons employed by the municipality for not more than three months during a fiscal year.
- (8) Part-time employees paid by the hour of the day, and not considered regular.
- (9) Volunteer personnel appointed without compensation.
- (10) The city judge.

All employment positions of the municipal government not expressly exempted from coverage by this section shall be subject to the provisions of the city charter. (Ord. #683, March 1994)

**4-203. Administration.** The personnel system shall be administered by the city manager who shall have the following duties and responsibilities:

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

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

(3) Fix and establish the number of employees in the various municipal government departments and offices and determine the duties, authority, responsibility, and compensation in accordance with the policies as set forth in the city charter and code, and subject to the approval of the city council and budget limitations.

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

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

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

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

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

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

(10) Be responsible for certification of payrolls.

(11) Perform such other duties and exercise such other authority in personnel administration as may be prescribed by law and the board of mayor and aldermen/commission/council. (Ord. #683, March 1994)

**4-204. Personnel rules and regulations.** The city manager shall develop rules and regulations, in the form of an employee's handbook, necessary for the effective administration of the personnel system. The council shall adopt the rules presented to them by the city manager. If the council has taken no action within ninety days after receipt of the draft personnel rules and regulations, they shall become effective as if they had been adopted, and shall have the full force and effect of law. Amendments to the rules and regulations shall be made in accordance with the procedure below. (Ord. #683, March 1994)

**4-205. Records.** The city manager shall maintain adequate records of the employment record of every employee as specified herein. (Ord. #683, March 1994)

**4-206. Right to contract for special services.** The city councilmen may direct the city manager to contract with any competent agency for the performance of such technical services in connection with the establishment of the personnel system or with its operation as may be deemed necessary. (Ord. #683, March 1994)

**4-207. Discrimination.** No person in the classified service or seeking admission thereto, shall be employed, promoted, demoted, or discharged, or in any way favored or discriminated against because of political opinions or affiliations, or because of race, color, creed, national origin, sex, ancestry, age, or religious belief. (Ord. #683, March 1994)

**4-208. Amendments.** Amendments or revisions of these rules may be recommended for adoption by the city manager. Such amendments or revisions of these rules shall become effective after public hearing and approval by the governing body. (Ord. #683, March 1994)

## CHAPTER 3

### OCCUPATIONAL SAFETY AND HEALTH PROGRAM

#### SECTION

- 4-301. Title.
- 4-302. Purpose.
- 4-303. Coverage.
- 4-304. Standards authorized.
- 4-305. Variances from standards authorized.
- 4-306. Administration.
- 4-307. Funding the program.

**4-301. Title.** This section shall provide authority for establishing and administering the occupational safety and health program plan for the employees of the City of Waynesboro. (1973 Code, § 1-901, as replaced by Ord. #730, Sept. 2003)

**4-302. Purpose.** The city commission, 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 of 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 the health standards, and provide for education and notification of all employees of the existence of this program. (1973 Code, § 1-902, as replaced by Ord. #730, Sept. 2003)

**4-303. Coverage.** The provisions of the occupational safety and health program plan for the employees of the City of Waynesboro shall apply to all employees of each administrative department, commission, board, division, or other agency of the City of Waynesboro whether part-time for full-time, seasonal or permanent. (1973 Code, § 1-903, as replaced by Ord. #730, Sept. 2003)

**4-304. Standards authorized.** The occupational safety and health standards adopted by the city commission 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). (1973 Code, § 1-904, as replaced by Ord. #730, Sept. 2003)

**4-305. Variances from standards authorized.** The City of Waynesboro may, upon written application of 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 manager shall notify or serve notice to employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board as designated by the city recorder shall be deemed sufficient notice to employees. (as added by Ord. #730, Sept. 2003)

**4-306. Administration.** For the purposes of this chapter, the city manager, is designated as the director of occupational safety and health to perform duties and to exercise powers assigned so as to plan, develop, and administer for the City of Waynesboro program. 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. (as added by Ord. #730, Sept. 2003)

**4-307. Funding the program.** Sufficient funds for administering and staffing the program pursuant to this chapter shall be made available as authorized by the Waynesboro City Commissioner. (as added by Ord. #730, Sept. 2003)

## CHAPTER 4

### TRAVEL AND EXPENSE POLICY

#### SECTION

4-401. Coverage.

4-402. Travel and expense policy.

4-403. Vehicle use policy.

**4-401. Coverage.** The mayor, city commissioners, members of boards and committees appointed by the mayor or board of commissioners, including municipal utility boards, and other city employees may be reimbursed for reasonable and necessary expenses incurred in the conduct of official business. (Ord. #684, March 1994)

**4-402. Travel and expense policy.** The travel and expense policy adopted by the board of commissioners on March 28, 1994, and any amendments, will govern the reimbursement of expenses incurred by these municipal officials and board and committee members. (Ord. #684, March 1994)

**4-403. Vehicle use policy.** The vehicle use policy adopted by the city council on March 28, 1994, and any amendments to that written policy, will govern the use of vehicles by these municipal officials and board and committee members. (Ord. #684, March 1994)

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

1. MISCELLANEOUS.
2. REAL PROPERTY TAXES.
3. PRIVILEGE TAXES GENERALLY.
4. WHOLESALE BEER TAX.

**CHAPTER 1****MISCELLANEOUS****SECTION**

5-101. Official depository for city funds.

**5-101. Official depository for city funds.** The Bank of Waynesboro and the Wayne County Bank of Waynesboro, Tennessee, are hereby designated as the official depository for all municipal funds.<sup>2</sup> (1973 Code, § 6-501)

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<sup>1</sup>Charter reference

Finance and taxation: title 6, chapter 22.

<sup>2</sup>Charter reference

Tennessee Code Annotated, § 6-22-120 prescribes depositories for city funds.

## CHAPTER 2

### REAL PROPERTY TAXES<sup>1</sup>

#### SECTION

5-201. When due and payable.

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

**5-201. When due and payable.**<sup>2</sup> Taxes levied by the city against real property shall become due and payable and delinquent on the dates prescribed in the charter. (1973 Code, § 6-101)

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<sup>1</sup>State law references

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

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 each succeeding month.

<sup>2</sup>Charter references

Tennessee Code Annotated, § 6-22-110 sets the due date of November 1 of the year for which the taxes are assessed, but Tennessee Code Annotated, § 6-22-113 provides that a different tax due date may be set by ordinance (by unanimous vote of the board of commissioners.)

**5-202. When delinquent--penalty and interest.**<sup>1</sup> All real property taxes becoming delinquent shall be subject to such penalty and interest as is authorized and prescribed by the charter.<sup>2</sup> (1973 Code, § 6-102)

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<sup>1</sup>Charter reference

Tennessee Code Annotated, § 6-22-112 sets the tax delinquency of December 1 of the year for which the taxes are assessed, but Tennessee Code Annotated, § 6-22-113 provides that a different delinquent date may be set by ordinance (by unanimous vote of the board of commissioners).

<sup>2</sup>Charter reference

Tennessee Code Annotated, § 6-22-114 directs the finance director to turn over the collection of delinquent property taxes to the county trustee.

State law reference

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

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

## CHAPTER 3

### PRIVILEGE TAXES GENERALLY

#### SECTION

5-301. Tax levied.

5-302. License required.

**5-301. Tax levied.** Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the maximum amount allowed by state laws. The taxes provided for in the state's "Business Tax Act" (Tennessee Code Annotated, § 67-4-701, et seq.) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the city at the rates and in the manner prescribed by the act. (1973 Code, § 6-301, modified)

**5-302. License required.** No person shall exercise any such privilege within the municipality without a currently effective privilege license, which shall be issued by the recorder to each applicant therefor upon the applicant's compliance with all regulatory provisions in this code and payment of the appropriate privilege tax. (1973 Code, § 6-302)

## CHAPTER 4

WHOLESALE BEER TAX

## SECTION

5-401. To be collected.

**5-401. To be collected.** The recorder is hereby directed to take appropriate action to assure payment to the municipality of the wholesale beer tax levied by the "Wholesale Beer Tax Act," as set out in Tennessee Code Annotated, title 57, chapter 6.<sup>1</sup> (1973 Code, § 6-401)

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<sup>1</sup>State law reference

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

## TITLE 6

### LAW ENFORCEMENT

#### CHAPTER

1. POLICE AND ARREST.
2. WORKHOUSE.
3. SPECIAL POLICE FORCE.

#### CHAPTER 1

### POLICE AND ARREST

#### SECTION

- 6-101. Department of Public Safety.
- 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. Disposition of persons arrested.
- 6-107. Department of Public Safety records.

**6-101. Department of Public Safety.** (1) The Department of Public Safety for the City of Waynesboro is hereby established. It shall consist of a qualified "Chief of Police" as the department head, and the director of the Department of Public Safety shall be responsible for his department employees, whether full time, part time or volunteer, as necessity dictates and as budget limitations as set by the city commission are applicable.

(2) The Department of Public Safety shall fall within the supervision of departments by the city manager as provided by Tennessee Code Annotated, § 6-21-108.

(3) The Director for the Department of Public Safety shall be set by the city commissioners as well as the budget for the Department of Public Safety, with the understanding that the director shall be responsible for the preparation of said budget and the implementation of the budget, with supervision for the expenditure of all funds thereto assigned.

(4) The Department of Public Safety shall establish its own policies and procedures, subject to the approval of the city commission and the city manager, and that said procedures not be in conflict with federal, state or city ordinances. (Ord. #663, Aug. 1988)

**6-102. Policemen to preserve law and order, etc.** Policemen shall preserve law and order within the municipality. They shall patrol the municipality and shall assist the city court during the trial of cases. Policemen

shall also promptly serve any legal process issued by the city court. (1973 Code, § 1-402)

**6-103. Policemen to wear uniforms and be armed.** All policemen shall wear such uniform and badge as the governing body shall authorize and shall carry a service pistol and billy club at all times while on duty unless otherwise expressly directed by the chief for a special assignment. (1973 Code, § 1-403)

**6-104. When policemen to make arrests.** Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a 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. (1973 Code, § 1-404)

**6-105. Policemen may require assistance in making arrests.** It shall be unlawful for any male 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. (1973 Code, § 1-405)

**6-106. Disposition of persons arrested.** Unless otherwise authorized by law, when a person is arrested for any offense other than one involving drunkenness he shall be brought before the city court for immediate trial or allowed to post bond. When the arrested person is drunk or when the city judge is not immediately available and the alleged offender is not able to post the required bond, he shall be confined. (1973 Code, § 1-406)

**6-107. Department of Public Safety records.** The Department of Public Safety 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 Department of Public Safety. (1973 Code, § 1-407, modified)

**CHAPTER 2****WORKHOUSE**<sup>1</sup>**SECTION**

6-201. County workhouse to be used.

6-202. Inmates to be worked.

6-203. Compensation of inmates.

**6-201. County workhouse to be used.** The county workhouse is hereby designated as the municipal workhouse, subject to such contractual arrangement as may be worked out with the county. (1973 Code, § 1-601)

**6-202. Inmates to be worked.** All persons committed to the workhouse, to the extent that their physical condition shall permit, shall be required to perform such public work or labor as may be lawfully prescribed for the county prisoners. (1973 Code, § 1-602)

**6-203. Compensation of inmates.** Each workhouse inmate shall be allowed five dollars (\$5.00) per day as credit toward payment of the fines and costs assessed against him. (1973 Code, § 1-603)

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<sup>1</sup>Charter reference

Authority to establish a workhouse: § 6-19-101(28).

## CHAPTER 3

### SPECIAL POLICE FORCE

#### SECTION

6-301. Assistance to be furnished by the Wayne County Civil Defense.

**6-301. Assistance to be furnished by the Wayne County Civil Defense.** Upon the necessity of additional manpower and equipment, the Wayne County Civil Defense may be called for said special assistance on the following grounds:

(1) The Wayne County Civil Defense will be mobilized, or so much thereof as determined necessary by the Director of the Wayne County Civil Defense, upon the authority of the Mayor of the City of Waynesboro, or upon the request of the Waynesboro City Manager and Chief of Police. The city manager and chief of police must act jointly to institute the request of need; whereas, the mayor may act upon his authority alone.

(2) During the period of necessity and/or need, the Wayne County Civil Defense will operate under the direction and supervision of the chief of police, or in his absence, the Mayor of Waynesboro.

(3) It is further understood that the chain of command above related will only apply to situations wherein the Wayne County Civil Defense has not been mobilized by the President of the United States of America, the Governor of the State of Tennessee, or the Wayne County Judge, or the Director of the Wayne County Civil Defense, or his executive officer. (Ord. #635, Feb. 1979)

**TITLE 7**

**FIRE PROTECTION AND FIREWORKS<sup>1</sup>**

**CHAPTER**

1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIRE SERVICE OUTSIDE CITY LIMITS.
5. FIREWORKS.

**CHAPTER 1**

**FIRE DISTRICT**

**SECTION**

7-101. Fire limits described.

**7-101. Fire limits described.** The corporate fire limits shall be as follows: all buildings facing and adjacent to the Court House Square in the City of Waynesboro. (Ord. #644, Oct. 1980, modified)

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

## CHAPTER 2

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

#### SECTION

- 7-201. Fire code adopted.
- 7-202. Enforcement.
- 7-203. Definition of "municipality."
- 7-204. Gasoline trucks.
- 7-205. Variances.
- 7-206. Violations.

**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 Standard Fire Prevention Code,<sup>2</sup> 1994 edition, as recommended by the Southern Standard Building Code Congress International, Inc. is hereby adopted by reference and included as a part of this code. Pursuant to the requirement of Tennessee Code Annotated, § 6-54-502, one (1) copy of the fire prevention code has been filed with the city recorder and is available for public use and inspection. Said fire prevention code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (1973 Code, § 7-201, modified)

**7-202. Enforcement.** The fire prevention code herein adopted by reference shall be enforced by the chief of the fire department. He shall have the same powers as the state fire marshal. (1973 Code, § 7-202)

**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 Waynesboro, Tennessee. (1973 Code, § 7-203)

**7-204. Gasoline trucks.** No person shall operate or park any gasoline tank truck within the central business district or within any residential area at any time except for the purpose of and while actually engaged in the expeditious delivery of gasoline. (1973 Code, § 7-205)

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<sup>1</sup>Municipal code reference

Building, utility and housing codes: title 12.

<sup>2</sup>Copies of this code are available from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213-1206.

**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. (1973 Code, § 7-206)

**7-206. Violations.** It shall be unlawful for any person to violate any of the provisions of this chapter or the Standard Fire Prevention Code herein adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken; or fail to comply with such an order as affirmed or modified by the governing body of the municipality or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause for the city code shall not be held to prevent the enforced removal of prohibited conditions. (1973 Code, § 7-207)

## CHAPTER 3

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

#### SECTION

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

**7-301. Establishment, equipment, and membership.** There is hereby established a fire department to be supported and equipped from appropriations by the governing body of the municipality. All apparatus, equipment, and supplies shall be purchased by or through the municipality and shall be and remain the property of the municipality. The fire department shall be composed of a chief appointed by the city manager and such number of physically-fit subordinate officers and firemen as the chief shall appoint. (1973 Code, § 7-301)

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#### <sup>1</sup>Charter references

For detailed charter provisions governing the operation of the fire department, see Tennessee Code Annotated, title 6, chapter 21, part 7. For specific provisions in part 7 related to the following subjects, see the sections indicated.

##### Fire chief

Appointment: § 6-21-701.

Duties: § 6-21-702.

Emergency: § 6-21-703.

##### Fire marshall: § 6-21-704

##### Firemen

Appointment: § 6-21-701.

Emergency powers: § 6-21-703.

#### Municipal code reference

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

**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. (1973 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. (1973 Code, § 7-303)

**7-304. Records and reports.** The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit such written reports on those matters to the city manager once each month, and at the end of the year a detailed report shall be made. (1973 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 city manager. However, so that adequate discipline may be maintained, the chief shall have the authority to suspend or discharge any other member of the fire department when he deems such action to be necessary for the good of the department.

All personnel of the fire department shall receive such compensation for their services as the governing body may from time to time prescribe. (1973 Code, § 7-305)

**7-306. Chief responsible for training and maintenance.** The chief of the fire department shall be fully responsible for the training of the 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. (1973 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. (1973 Code, § 7-308)

## CHAPTER 4

### FIRE SERVICE OUTSIDE CITY LIMITS

#### SECTION

7-401. Fire service outside city limits.

**7-401. Fire service outside city limits.** The city manager is hereby authorized to enter into agreements for the furnishing of fire protection beyond the corporate limits of the City of Waynesboro upon the following terms and conditions:

(1) Any individual, private corporation or business owning, leasing or renting real property outside the corporate limits of the City of Waynesboro, Tennessee, but within a radius of four (4) miles from the corporate limits of Waynesboro, Tennessee, and desiring to enter into a contract with the City or Waynesboro for fire protection for said property may apply for a subscription agreement between themselves and the city. Said contract shall state the name and address of the subscriber and location of the property for which protection is desired, and the name or names of persons, other than the subscriber, authorized to issue a call for such fire protection, upon the terms and conditions required by the City of Waynesboro.

Upon receipt of said subscriber's contract, and the fees hereinafter established, the subscriber will be placed on a list of eligible parties to be provided the fire protection desired by the subscriber.

All contracts shall be for a period of ten (10) years and shall be cancellable at the option of the city at the end of ten (10) years, or upon one fire call to the property for which fire protection is sought.

The Fire Department of the City of Waynesboro shall answer only calls outside the city limits of Waynesboro, only when a subscriber's contract on the endangered property is in force. The Fire Chief of the City of Waynesboro shall only dispatch the No. 2 firetruck and such equipment and apparatus and personnel not needed to protect property within the City of Waynesboro from a fire or threat of fire or general conflagration.

All subscribers shall deposit with the Treasurer of the City of Waynesboro, at the time such contracts are entered into, the sum of \$300 for residential, or \$500.00 for business or commercial and said sums shall remain on deposit with the City of Waynesboro for the life of the contract.

All applicants shall agree that the City of Waynesboro will not in any manner be or become liable to the subscriber in damages or otherwise for any loss resulting from fire or otherwise to the property to be protected, nor shall the Commissioners of the City of Waynesboro be liable for any loss that may be sustained by the failure of the City of Waynesboro Fire Department to respond to any such call, or for its failure to provide sufficient fire apparatus and equipment that may occur on the premises to be protected.

The contracts herein authorized may be cancelled by an ordinance of the City of Waynesboro, provided 30 days notice be given prior to the adoption of such ordinance. (Ord. #644, Oct. 1980)

**CHAPTER 5****FIREWORKS****SECTION**

7-501. Sale of fireworks.

7-502. Shooting of fireworks.

7-503. Violation.

**7-501. Sale of fireworks.** The sale of fireworks within the city limits shall be confined to the following periods June 20<sup>th</sup> through July 5<sup>th</sup> and December 10<sup>th</sup> through January 2<sup>nd</sup>. (as added by Ord. #699, May 1996)

**7-502. Shooting of fireworks.** The shooting of fireworks within the city limits is prohibited except under the following conditions: Fireworks may be shot between the dates of June 20<sup>th</sup> thru July 5<sup>th</sup> and December 10<sup>th</sup> thru January 2<sup>nd</sup>; however, not on Sundays with the exception of New Years Eve or July 4<sup>th</sup>. Fireworks may be shot between the hours of 10:00 a.m. and 10:00 p.m., except on New Years Eve. Fireworks can only be shot on private property only, not on public streets or on the city square. (as added by Ord. #699, May 1996)

**7-503. Violation.** The fine or penalty for violating any portion of this chapter shall be \$50.00 plus court costs. (as added by Ord. #699, May 1996)

**TITLE 8**

**ALCOHOLIC BEVERAGES<sup>1</sup>**

**CHAPTER**

1. INTOXICATING LIQUORS.
2. BEER.

**CHAPTER 1**

**INTOXICATING LIQUORS**

**SECTION**

8-101. Prohibited generally.

**8-101. Prohibited generally.** Except as authorized by applicable laws<sup>2</sup> and/or ordinance, it shall be unlawful for any person to manufacture, receive, possess, store, transport, sell, furnish, or solicit orders for, any intoxicating liquor within this city. "Intoxicating liquor" is defined to include whiskey, wine, "home brew," "moonshine," and all other intoxicating, spirituous, vinous, or malt liquors and beers which contain more than five percent (5%) of alcohol by weight. (Ord. #680, Sept. 1993)

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<sup>1</sup>State law reference  
Tennessee Code Annotated, title 57.

<sup>2</sup>State law reference  
Tennessee Code Annotated, title 39, chapter 17.

## CHAPTER 2

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

#### SECTION

- 8-201. Beer board established.
- 8-202. Meetings of the beer board.
- 8-203. Record of beer board proceedings to be kept.
- 8-204. Requirements for beer board quorum and action.
- 8-205. Powers and duties of the beer board.
- 8-206. "Beer" defined.
- 8-207. Permit required for engaging in beer business.
- 8-208. Privilege tax.
- 8-209. Beer permits shall be restrictive.
- 8-210. Types of consumption permits.
- 8-211. Limitations on permits.
- 8-212. Interference with public health, safety, and morals prohibited.
- 8-213. Issuance of permits to persons convicted of certain crimes prohibited.
- 8-214. Prohibited conduct or activities by beer permit holders.
- 8-215. Suspension and revocation of beer permits.
- 8-216. Civil penalty in lieu of suspension.

**8-201. Beer board established.** There is hereby established a beer board to be composed of the Waynesboro Board of Commissioners. The mayor shall be the chairman of the beer board. (Ord. #680, Sept. 1993)

**8-202. Meetings of the beer board.** All meetings of the beer board shall be open to the public. The board shall hold regular meetings in the city hall at such times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chairman, provided he gives a reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place. (Ord. #680, Sept. 1993)

**8-203. Record of beer board proceedings to be kept.** The recorder shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: The date of each meeting; the names of the board members present and absent; the

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<sup>1</sup>State law reference

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

names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board. (Ord. #680, Sept. 1993)

**8-204. Requirements for beer board quorum and action.** The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote. (Ord. #680, Sept. 1993)

**8-205. Powers and duties of the beer board.** The beer board shall regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this city in accordance with the provisions of this chapter. (Ord. #680, Sept. 1993)

**8-206. "Beer" defined.** The term "beer" as used in this chapter shall mean and include all beers, ales, and other malt liquors having an alcoholic content of not more than five percent (5%) by weight. (Ord. #680, Sept. 1993)

**8-207. Permit required for engaging in beer business.** It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish and pursuant to Tennessee Code Annotated, § 57-5-101(b), and shall be accompanied by a non-refundable application fee of two hundred and fifty dollars (\$250.00). Said fee shall be in the form of a cashier's check payable to the City of Waynesboro. Each applicant must be a person of good moral character and he must certify that he has read and is familiar with the provisions of this chapter. (Ord. #680, Sept. 1993)

**8-208. Privilege tax.** There is hereby imposed on the business of selling, distributing, storing or manufacturing beer an annual privilege tax of one hundred dollars (\$100). Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax on January 1, 1994, and each successive January 1, to the City of Waynesboro, Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (Ord. #680, Sept. 1993)

**8-209. Beer permits shall be restrictive.** All beer permits shall be restrictive as to the type of beer business authorized under them. Separate

permits shall be required for selling at retail, storing, distributing, and manufacturing. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It shall likewise be unlawful for him not to comply with any and all express restrictions or conditions which may be written into his permit by the beer board. (Ord. #680, Sept. 1993)

**8-210. Types of consumption permits.** Permits issued by a the beer board shall consist of one type (except for the Grandfather Clause. See § 8-211.)

#### CLASS I

**Off Premises Permit.** An off premises permit shall be issued for the consumption of beer only off the premises. To qualify for an off premises permit, an establishment must, in addition to meeting the other regulations in this chapter:

- (1) be a grocery store or a convenience type market; and
- (2) in either case, be primarily engaged in the sale of grocery and personal and home care and cleaning articles, but may also sell gasoline; and
- (3) have been in continuous operation for a period of six (6) months.

In addition, the monthly beer sales of any establishment that holds an off premises permit shall not exceed seventy percent (70%) of the gross sales of the establishment. Any establishment which for two consecutive months or for three months in any calendar year has sales exceeding seventy percent (70%) of its gross sales, shall have its beer permit revoked.

#### GRANDFATHER CLAUSE:

Beer sales for on premises consumption shall be restricted to those business that had county licenses for said consumption prior to annexation. (Ord. #680, Sept. 1993)

**8-211. Limitations on permits.** Beer permits may be issued only for establishments located in the areas annexed in 1993. Beer places shall not be allowed in any other area of the city. The number of beer permits shall be limited to the number in existence on the date the annexations take effect. The owners of these businesses may apply for a beer permit, and if the business is sold, the new owner may apply for a beer permit. If any of these establishments go out of business or for any reason quit selling beer, however, the maximum number of beer permits allowed in the annexed area will be reduced by the number of establishments that go out of business or quit selling beer. (Ord. #680, Sept. 1993)

**8-212. Interference with public health, safety, and morals prohibited.** No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with hospitals,

schools, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals. In no event will a permit be issued authorizing the manufacture or storage of beer, or the sale of beer at places within two thousand (2,000) feet of any school, church or other place of public gathering measured in a straight line<sup>1</sup> from the nearest point on the property line upon which sits the building from which the beer will be sold, manufactured or stored to the nearest point on the property line of the hospital, school, church or other place of public gathering. (Ord. #680, Sept. 1993)

**8-213. Issuance of permits to persons convicted of certain crimes prohibited.** No beer permit shall be issued to any person who has been convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years. (Ord. #680, Sept. 1993)

**8-214. Prohibited conduct or activities by beer permit holders.** It shall be unlawful for any beer permit holder to:

(1) Employ any person convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years.

(2) Make or allow any sales of beer between the hours of 12:00 Midnight and 6:00 A.M. on Monday through Saturday, and between the hours of 12:00 Midnight and 12:00 Noon and 6:00 P.M. and 12:00 Midnight on Sundays, or on election days before and while the polls are lawfully open. In no event will on premises sales of beer on Sundays be allowed.

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

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

(5) Allow any person under twenty-one (21) years of age to loiter in or about his place of business.

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

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

(8) Serve, sell, or allow the consumption on his premises of any alcoholic beverage with an alcoholic content of more than five percent (5%) by weight.

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<sup>1</sup>State law reference

See Watkins v. Naifeh, 625 S. W. 2d 104 (Tenn. 1982) and other cases cited therein which establish the straight line method of measurement.

(9) Allow dancing on his premises, except for "Grandfathered" establishments.

(10) Allow pool or billiard playing in the same room where beer is sold.

(11) Fail to provide and maintain separate sanitary toilet facilities for men and women.

In addition, it shall be unlawful for any permit holder to employ any person under the age of eighteen (18) on the premises in any capacity whatsoever. (Ord. #680, Sept. 1993, modified, as amended by Ord. #733, Oct. 2003)

**8-215. Suspension and revocation of beer permits.** The beer board may suspend or revoke any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter. However, no beer permit shall be suspended or revoked until a public hearing is held by the board after reasonable notice to all the known parties in interest. Suspension or revocation proceedings may be initiated by the police chief or by any member of the beer board. (Ord. #680, Sept. 1993)

**8-216. Civil penalty in lieu of suspension.** The beer board may, at the time it imposes a revocation or suspension, offer a permit holder the alternative of paying a civil penalty not to exceed \$1,500 for each offense of making or permitting to be made any sales to minors or, a civil penalty not to exceed \$1,000 for any other offense. If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn. (Ord. #680, Sept. 1993)

**TITLE 9****BUSINESS, PEDDLERS, SOLICITORS, ETC.<sup>1</sup>****CHAPTER**

1. MISCELLANEOUS.
2. PEDDLERS, ETC.
3. CHARITABLE SOLICITORS.
4. TAXICABS.
5. POOL ROOMS.
6. CABLE TELEVISION.

**CHAPTER 1****MISCELLANEOUS****SECTION**

9-101. "Going out of business" sales.

**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. (1973 Code, § 5-102)

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<sup>1</sup>Municipal code references.

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

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

## CHAPTER 2

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

#### SECTION

- 9-201. Permit required.
- 9-202. Exemptions.
- 9-203. Application for permit.
- 9-204. Issuance or refusal of permit.
- 9-205. Appeal.
- 9-206. Bond.
- 9-207. Loud noises and speaking devices.
- 9-208. Use of streets.
- 9-209. Exhibition of permit.
- 9-210. Policemen to enforce.
- 9-211. Revocation or suspension of permit.
- 9-212. Reapplication.
- 9-213. Expiration and renewal of permit.

**9-201. Permit required.** It shall be unlawful for any peddler, canvasser, or solicitor, or transient merchant to ply his trade within the corporate limits without first obtaining a permit in compliance with the provisions of this chapter. No permit shall be used at any time by any person other than the one to whom it is issued. (1973 Code, § 5-201)

**9-202. Exemptions.** The terms of this chapter shall not be applicable to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to bona fide charitable, religious, patriotic or philanthropic organizations, nor to persons who sell produce that was grown on their own property. (1973 Code, § 5-202, as amended by Ord. #698, May 1996)

**9-203. Application for permit.** Applicants for a permit under this chapter must file with the city recorder a sworn written application containing the following:

- (1) Name and physical description of applicant.
- (2) Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.

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

(3) A brief description of the nature of the business and the goods to be sold.

(4) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship.

(5) The length of time for which the right to do business is desired.

(6) A recent clear photograph approximately two (2) inches square showing the head and shoulders of the applicant.

(7) The names of at least two (2) reputable local property owners who will certify as to the applicant's good moral reputation and business responsibility, or in lieu of the names of references, such other available evidence as will enable an investigator to properly evaluate the applicant's moral reputation and business responsibility.

(8) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor or for violating any municipal ordinance; the nature of the offense; and, the punishment or penalty assessed therefor.

(9) The last three (3) cities or towns, if that many, where applicant carried on business immediately preceding the date of application and, in the case of transient merchants, the addresses from which such business was conducted in those municipalities.

(10) At the time of filing the application, a fee of fifty dollars (\$50.00) shall be paid to the municipality to cover the cost of investigating the facts therein. (1973 Code, § 5-203, as amended by Ord. #698, May 1996)

**9-204. Issuance or refusal of permit.** (1) Each application shall be referred to the chief of police for investigation. The chief shall report his findings to the city recorder within seventy-two (72) hours.

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

(3) If, on the other hand, the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory the city recorder shall issue a permit upon the payment of all applicable privilege taxes and the filing of the bond required by § 9-206. The city recorder shall keep a permanent record of all permits issued. (1973 Code, § 5-204)

**9-205. Appeal.** Any person aggrieved by the action of the chief of police and/or the city recorder in the denial of a permit shall have the right to appeal to the governing body. Such appeal shall be taken by filing with the city manager within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The mayor shall set a time and place for a hearing on such appeal and notice of the time and place of such hearing shall be given to the appellant. The notice shall be in writing and shall be mailed, postage prepaid, to the applicant at his last

known address at least five (5) days prior to the date set for hearing, or shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (1973 Code, § 5-205)

**9-206. Bond.** Every permittee shall file with the city recorder a surety bond running to the municipality in the amount of one thousand dollars (\$1,000.00). The bond shall be conditioned that the permittee shall comply fully with all the provisions of the ordinances of this municipality and the statutes of the state regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants, or itinerant vendors, as the case may be, and shall guarantee to any citizen of the municipality that all money paid as a down payment will be accounted for and applied according to the representations of the permittee, and further guaranteeing to any citizen of the municipality doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given, but the surety may, by paying, pursuant to order of the court, the face amount of the bond to the clerk of the court in which the suit is commenced, be relieved without costs of all further liability. (1973 Code, § 5-206)

**9-207. Loud noises and speaking devices.** No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the municipality or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such permittee proposes to sell. (1973 Code, § 5-207)

**9-208. Use of streets.** No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where the operation might impede or inconvenience the public use of such streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced. (1973 Code, § 5-208)

**9-209. Exhibition of permit.** Permittees are required to exhibit their permits at the request of any policeman or citizen. (1973 Code, § 5-209)

**9-210. Policemen to enforce.** It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (1973 Code, § 5-210)

**9-211. Revocation or suspension of permit.** (1) Permits issued under the provisions of this chapter may be revoked by the governing body after notice and hearing, for any of the following causes:

(a) Fraud, misrepresentation, or incorrect statement contained in the application for permit, or made in the course of carrying on the business of solicitor, canvasser, peddler, transient merchant, itinerant merchant or itinerant vendor.

(b) Any violation of this chapter.

(c) Conviction of any crime or misdemeanor.

(d) Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant, or itinerant vendor, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

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

(3) When reasonably necessary in the public interest the city manager may suspend a permit pending the revocation hearing. (1973 Code, § 5-211)

**9-212. Reapplication.** No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (1973 Code, § 5-212)

**9-213. Expiration and renewal of permit.** Permits issued under the provisions of this chapter shall expire on the same date that the permittee's privilege license expires and shall be renewed without cost if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for one (1) year. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed. (1973 Code, § 5-213)

## CHAPTER 3

### CHARITABLE SOLICITORS

#### SECTION

- 9-301. Permit required.
- 9-302. Prerequisites for a permit.
- 9-303. Denial of a permit.
- 9-304. Exhibition of permit.

**9-301. Permit required.** No person shall solicit contributions or anything else of value for any real or alleged charitable or religious purpose without a permit from the city recorder authorizing such solicitation. Provided, however, that this section shall not apply to any locally established organization or church operated exclusively for charitable or religious purposes if the solicitations are conducted exclusively among the members thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies of any such established organization or church. (1973 Code, § 5-301)

**9-302. Prerequisites for a permit.** The recorder shall issue a permit authorizing charitable or religious solicitations when, after a reasonable investigation, he finds the following facts to exist:

(1) The applicant has a good character and reputation for honesty and integrity, or if the applicant is not an individual person, that every member, managing officer, or agent of the applicant has a good character or reputation for honesty and integrity.

(2) The control and supervision of the solicitation will be under responsible and reliable persons.

(3) The applicant has not engaged in any fraudulent transaction or enterprise.

(4) The solicitation will not be a fraud on the public but will be for a bona fide charitable or religious purpose.

(5) The solicitation is prompted solely by a desire to finance the charitable cause described by the applicant. (1973 Code, § 5-302)

**9-303. Denial of a permit.** Any applicant for a permit to make charitable or religious solicitations may appeal to the governing body if he has not been granted a permit within fifteen (15) days after he makes application therefor. (1973 Code, § 5-303)

**9-304. Exhibition of permit.** Any solicitor required by this chapter to have a permit shall exhibit such permit at the request of any policeman or person solicited. (1973 Code, § 5-304)

## CHAPTER 4

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

#### 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.
- 9-417. Fares.

**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. (1973 Code, § 5-401)

**9-402. Requirements as to application and hearing.** No person shall be eligible to apply for a taxicab franchise if he has a bad character or has been convicted of a felony 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. The application shall be accompanied by at least two (2) affidavits of reputable local citizens attesting to the good character and reputation of the applicant. 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

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

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 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. (1973 Code, § 5-402)

**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 ten thousand dollars (\$10,000.00) for bodily injury or death to any one person, twenty thousand dollars (\$20,000.00) for bodily injuries or death to more than one person which are sustained in the same accident, and five thousand dollars (\$5,000.00) for property damage resulting from any one accident. 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 recorder of the municipality. (1973 Code, § 5-403)

**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. (1973 Code, § 5-404)

**9-405. Mechanical condition of vehicles.** It shall be unlawful for any person to operate any taxicab 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 motor vehicle 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. (1973 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. (1973 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. (1973 Code, § 5-407)

**9-408. License and permit required for drivers.** No person shall drive a taxicab unless he is in possession of a state special chauffeur's license and a taxicab driver's permit issued by the chief of police. (1973 Code, § 5-408)

**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.
- (2) Is at least eighteen (18) years of age and holds a state special chauffeur's license.
- (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.
- (4) Is clean in dress and person and is not addicted to the use of intoxicating liquor or drugs.
- (5) Produces affidavits of good character from two (2) reputable citizens of the municipality who have known him personally and have observed his conduct for at least two (2) years next preceding the date of his application.
- (6) Has not been convicted of a felony, drunk driving, driving under the influence of an intoxicant or drug, or of frequent minor traffic offenses.
- (7) Is familiar with the state and local traffic laws. (1973 Code, § 5-409)

**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 violation of traffic regulations, for violation of this chapter, or when the driver ceases to possess the qualifications as prescribed in § 9-409. (1973 Code, § 5-410)

**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. (1973 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. (1973 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. (1973 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. (1973 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 unreasonably disturb the peace, quiet and tranquility of the municipality in any way. (1973 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. (1973 Code, § 5-416)

**9-417. Fares.** The governing body of the City of Waynesboro shall regulate the rate of taxicab fares within the corporate limits of the city by resolution passed for that purpose. (1973 Code, § 5-417)

**CHAPTER 5****POOL ROOMS**<sup>1</sup>**SECTION**

9-501. Prohibited in residential areas.

9-502. Hours of operation regulated.

**9-501. Prohibited in residential areas.** It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire on any premises located in any block where fifty percent (50%) or more of the land is used or zoned for residential purposes. (1973 Code, § 5-501)

**9-502. Hours of operation regulated.** It shall be unlawful for any person to open, maintain, conduct, or operate any place where pool tables or billiard tables are kept for public use or hire at any time on Sunday or between the hours of 11:00 P.M. and 6:00 A.M. on other days. (1973 Code, § 5-502)

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

**CHAPTER 6**

**CABLE TELEVISION**

**SECTION**

9-601. To be furnished under franchise.

**9-601. To be furnished under franchise.** Cable television service shall be furnished to the City of Waynesboro and its inhabitants under franchise as the board of commissioners shall grant. The rights, powers, duties and obligations of the City of Waynesboro and its inhabitants and the grantee of the franchise shall be clearly stated in the franchise agreement which shall be binding upon the parties concerned.<sup>1</sup>

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<sup>1</sup>For complete details relating to the cable television franchise agreement see ordinance no. 675 dated March, 1993, in the office of the city recorder.

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

1. IN GENERAL.
2. 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. Adequate food, water, and shelter, etc., to be provided.
- 10-105. Keeping in such manner as to become a nuisance prohibited.
- 10-106. Cruel treatment prohibited.
- 10-107. Seizure and disposition of animals.
- 10-108. Inspections of premises.

**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. (1973 Code, § 3-101)

**10-102. Keeping near a residence or business restricted.** No person shall keep or allow any other animal or fowl enumerated in the preceding section to come within one thousand (1,000) feet of any residence, place of business, or public street, 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. (1973 Code, § 3-102)

**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. (1973 Code, § 3-103)

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

shelter, and ventilation are not adequate and sufficient for the preservation of its health, safe condition, and wholesomeness for food if so intended.

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1973 Code, § 3-104)

**10-105. Keeping in such manner as to become a nuisance prohibited.** No animal or fowl shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease, or other reason. Further it shall be unlawful for any person to ride, lead, keep or be in charge of any horses, mules, ponies, or livestock, of any description upon the streets, roadways, sidewalks, or public thoroughfares of the City of Waynesboro during the time from sunset to sunrise except during parades or other authorized special events. (1973 Code, § 3-105, as amended by Ord. #11-A, July 1989)

**10-106. Cruel treatment prohibited.** It shall be unlawful for any person to beat or otherwise abuse or injure any dumb animal or fowl. (1973 Code, § 3-106)

**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 governing body. If the owner is known he shall be given notice in person, by telephone, or by a postcard addressed to his last-known mailing address. If the owner is not known or cannot be located, a notice describing the impounded animal or fowl will be posted in at least three (3) public places within the corporate limits. In either case the notice shall state that the impounded animal or fowl must be claimed within five (5) days by paying the pound costs or the same will be humanely destroyed or sold. If not claimed by the owner, the animal or fowl shall be sold or humanely destroyed, or it may otherwise be disposed of as authorized by the governing body.

The pound keeper shall be entitled to collect from each person claiming an impounded animal or fowl reasonable fees to cover the costs of impoundment and maintenance. (1973 Code, § 3-107)

**10-108. Inspections of premises.** For the purpose of making inspections to insure compliance with the provisions of this title, the health officer, or his authorized representative, shall be authorized to enter, at any reasonable time, any premises where he has reasonable cause to believe an animal or fowl is being kept in violation of this chapter. (1973 Code, § 3-108)

## CHAPTER 2

### DOGS

#### SECTION

- 10-201. Definitions.
- 10-202. Dogs running at large prohibited.
- 10-203. Harboring vicious or noisy dogs.
- 10-204. All dogs to be vaccinated.
- 10-205. Disposition to be made of stray dogs.
- 10-206. Abandonment of dogs prohibited.
- 10-207. Concealing dog in violation of chapter.
- 10-208. Penalty assessed against owners of dogs within the corporate limits.

**10-201. Definitions.** (1) "Dog." All members of the dog family three (3) months of age or more found within the corporate limits of the City of Waynesboro.

(2) "Owner." Any person having a property right in and to a dog, or who has a dog in his care, or acts as its custodian, or any person who permits a dog to remain on or about any premises.

(3) "Running at large." Running at large shall be the permitting by the owner of any dog to trespass upon, into or about the public streets, highways, roads, alleys, public square or other public places within the City of Waynesboro , or to trespass upon the premises of another person, or to go upon the school grounds or play grounds.

However, nothing in this chapter shall be construed to prohibit any dog from appearing upon any street or in any other public place in the City of Waynesboro, if such dog is under the full control of the owner or attendant by being held with a chain, strap, rope or other leash of sufficient strength to prevent escape.

(4) "Vaccination." The injection of a rabies vaccine for dogs, which meets the standards set out in Tennessee Code Annotated, § 68-8-102(5).

(5) "Pound." Any place provided or maintained by the City of Waynesboro for the keeping of dogs pending their redemption or extermination.

(6) "Vicious propensities." The natural or habitual inclination or tendency to do any act that will tend to endanger the person or property of another, including, but not limited to the habit of chasing bicycles, motorcycles, automobiles, trucks or other vehicles on either public or private property, or having a nature of ferociousness or disposition to mischief that might occasionally lead a dog to attack human beings without provocation.

(7) "Noisy dogs." Any dog which by frequent barking, whining or howling that annoys and disturbs the peace and quiet of any neighborhood within the corporate limits of the city. (1973 Code, § 3-201)

**10-202. Dogs running at large prohibited.** It shall be unlawful for any person to negligently, knowingly, or willfully to permit the running at large of any dog or dogs in the City of Waynesboro. However, nothing in this chapter shall be construed to prohibit any dog from appearing upon any street or at any other public place in the City of Waynesboro, if such dog is under the full control of the owner or attendant by being held with a chain, strap, rope, or other leash of sufficient strength to prevent escape. (1973 Code, § 3-202)

**10-203. Harboring vicious or noisy dogs.** It shall be unlawful for any person to own, keep or harbor any dog having vicious propensities, as herein defined, or to own, keep, or harbor any noisy dog as herein defined. (1973 Code, § 3-203)

**10-204. All dogs to be vaccinated.** It shall be unlawful for any person to own, keep or harbor any dog over the age of three (3) months which has not received a vaccination as herein defined, and it shall further be unlawful for any person to own, keep or harbor any dog which does not wear an official tag evidencing such vaccination. (1973 Code, § 3-204)

**10-205. Disposition to be made of stray dogs.**<sup>1</sup> Any dog found running at large as herein defined may be seized by the chief of police, any police officer or any other public officer of the City of Waynesboro and placed in the pound. If such dog is wearing a collar bearing identification of the owner, the owner shall be notified by personal contact or by the mail service.

The owner may appear within seven (7) days and redeem his dog by paying a pound fee of fifty dollars (\$50.00) and a daily board charge of five dollars (\$5.00).

Unless the owner claims said dog within seven (7) days and pays the fees herein provided, the dog shall be sold to any individual desiring to purchase the same, upon the individual paying the pound fees and the daily board charge up to and including the day of sale, and, upon the individual having the dog vaccinated as herein provided, collaring said dog and placing the official tag indicating the dog's vaccination on said collar. However, no vicious dog, one that has recently bitten a person, or is suspected of being infected with rabies shall be sold. All dogs held in confinement for more than seven (7) days shall be humanely destroyed. (1973 Code, § 3-205, as amended by Ord. #660-A, Aug. 1987)

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<sup>1</sup>For a Tennessee Supreme Court case upholding the summary destruction of dogs pursuant to appropriate legislation, see Darnell v. Shapard, 156 Tenn. 544, 3 S.W.2d 661 (1928).

**10-206. Abandonment of dogs prohibited.** It shall be unlawful for any person to abandon any dog within the corporate limits of the City of Waynesboro, or to turn any dog out of any automobile or other vehicle. (1973 Code, § 3-206)

**10-207. Concealing dog in violation of chapter.** It shall be unlawful for any person to hide, conceal, aid or abet in the hiding or concealing of any dog owned, kept, or harbored in violation of any of the provisions of this chapter. (1973 Code, § 3-207)

**10-208. Penalty assessed against owners of dogs within the corporate limits.** All citizens within the corporate limits of the City of Waynesboro owning dogs shall be liable for their dogs running at large, for harboring vicious or noisy dogs, for failure to keep their dogs vaccinated, for allowing dogs to roam at large not under the full control of the owner by way of chain, strap, rope or leash.

Upon being found guilty of violation of any provision of this chapter, the owner may be fined by the City Court of Waynesboro up to fifty dollars (\$50.00) for each offense plus reasonable court costs. (Ord. #651, Dec. 1983)

## TITLE 11

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

#### CHAPTER

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

#### CHAPTER 1

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

#### SECTION

- 11-101. Possession, etc. alcoholic beverage, intoxicating drugs.  
 11-102. Minors in beer places.

**11-101. Possession, etc. alcoholic beverage, intoxicating drugs.**

It shall be unlawful for any person to drink or consume, or have an open can or bottle of beer in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place unless the place has a beer permit and license for on premises consumption.

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<sup>1</sup>Municipal code references

- Animals and fowls: title 10.  
 Housing and utilities: title 12.  
 Fireworks and explosives: title 7.  
 Traffic offenses: title 15.  
 Streets and sidewalks (non-traffic): title 16.

<sup>2</sup>Municipal code reference

- Sale of alcoholic beverages, including beer: title 8.

State law reference

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

The possession and/or consumption of any alcoholic beverage or intoxicating drugs within the boundaries of the Waynesboro City Park is forthwith and henceforth unlawful. (1973 Code, § 10-229)

**11-102. Minors in beer places.** No minor shall loiter in or around, work in, or otherwise frequent any place where beer is sold at retail for consumption on the premises. (1973 Code, § 10-222)

**CHAPTER 2****FORTUNE TELLING, ETC.****SECTION**

11-201. Fortune telling, etc.

**11-201. Fortune telling, etc.** It shall be unlawful for any person to conduct the business of, solicit for, or ply the trade of fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. (1973 Code, § 10-235, modified)

**CHAPTER 3**

**OFFENSES AGAINST THE PERSON**

**SECTION**

11-301. Assault and battery.

**11-301. Assault and battery.** It shall be unlawful for any person to commit an assault or an assault and battery upon another person. (1973 Code, § 10-201)

## 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. (1973 Code, § 10-202)

**11-402. Anti-noise regulations.** It shall be unlawful for any person to make, continue or cause to be made or continued, any loud or unnecessary or unusual noise or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety or welfare of others within the limits of the City of Waynesboro.

The following is an enumeration of loud or unnecessary noises, but such enumeration shall not be exclusive of any others not herein specifically named.

(1) Using, operating, or permitting to be played, used, or operated any radio receiving set, phonograph, or any musical instrument in such a manner or with such volume as to annoy or disturb the comfort and quiet of persons in any offices, hospital, dwelling, hotel, or any other type of residence or of any persons in the vicinity.

(2) The creation of any excessive noise or the discharge into the open air of any engine, stationary or mobile, except through a muffler or other device which will prevent loud or explosive noises therefrom, near schools, courts, offices, churches, hospitals and residences.

(3) The using, operating, or permitting to be played, used, or operated of any loud speaker, sound amplifier, or other machine or device for the producing or re-producing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building, structure, or place.

(4) The use or operation for advertising or commercial purposes or for any purpose whatsoever on or upon the public streets or sidewalks in the City of Waynesboro or any device known as a sound truck, loud speaker, sound amplifier, radio, or phonograph with a loud speaker or sound amplifier attached thereto or any other instrument of any kind or character which emits therefrom loud noises and is attached to or upon any vehicle operating or standing upon the city streets or sidewalks; provided, however, the use of sound trucks, loud speakers, amplifiers, or similar devices may be used provided a permit for such use shall be first obtained from the city manager who shall be satisfied as to the

contemplated use prior to the issuance of such permit and who may revoke the same at any time he sees fit for just cause and before issuing such permit, the city manager shall be satisfied that the use of any sound amplifier, loud speaker, sound truck, phonograph, or like equipment shall in no way or by no means cause any street, alley, sidewalk, or passageway to become blocked or cut off because of the congregation of any crowd of people, and the city manager shall further be satisfied that the use of such equipment shall in no way disturb the peace and quiet of the inhabitants or people of the City of Waynesboro and provided further, that in such permit the city manager may limit the hours of the day and the number of days in which said permit may be used. (1973 Code § 10-234)

## CHAPTER 5

### INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

#### SECTION

11-501. Escape from custody or confinement.

11-502. Impersonating a government officer or employee.

11-503. False emergency alarms.

11-504. Resisting or interfering with an officer.

11-505. Coercing people not to work.

**11-501. Escape from custody or confinement.** It shall be unlawful for any person under arrest or otherwise in custody of or confined by the municipality to escape or attempt to escape, or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement. (1973 Code, § 10-209)

**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. (1973 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. (1973 Code, § 10-217)

**11-504. Resisting or interfering with an officer.** It shall be unlawful for any person knowingly to resist or in any way interfere with or attempt to interfere with any officer or employee of the municipality while such officer or employee is performing or attempting to perform his municipal duties. (1973 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. (1973 Code, § 10-231)

**CHAPTER 6****FIREARMS, WEAPONS AND MISSILES****SECTION**

11-601. Air rifles, etc.

11-602. Throwing missiles.

11-603. Discharge of firearms.

**11-601. Air rifles, etc.** It shall be unlawful for any person in the municipality to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1973 Code, § 10-213)

**11-602. Throwing missiles.** It shall be unlawful for any person to maliciously throw any stone, snowball, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1973 Code, § 10-214)

**11-603. Discharge of firearms.** It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits. (1973 Code, § 10-212, modified)

## CHAPTER 7

### TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC

#### SECTION

- 11-701. Trespassing.
- 11-702. Malicious mischief.
- 11-703. Interference with traffic.
- 11-704. Trespassing on trains.

**11-701. Trespassing.** The owner or person in charge of any lot or parcel of land or any building or other structure within the corporate limits may post the same against trespassers. It shall be unlawful for any person to go upon any such posted lot or parcel of land or into any such posted building or other structure without the consent of the owner or person in charge.

It shall be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to promptly leave the private premises of any person who requests or directs him to leave. (1973 Code, § 10-226)

**11-702. Malicious mischief.** It shall be unlawful and deemed to be malicious mischief for any person to willfully, maliciously, or wantonly damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1973 Code, § 10-225)

**11-703. Interference with traffic.** It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere with the free passage of pedestrian or vehicular traffic thereon. (1973 Code, § 10-233)

**11-704. Trespassing on trains.** It shall be unlawful for any person to climb, jump, step, stand upon, or cling to, or in any other way attach himself to any locomotive engine or railroad car unless he works for the railroad corporation and is acting in the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. (1973 Code, § 10-221)

**CHAPTER 8****MISCELLANEOUS****SECTION**

11-801. Abandoned refrigerators, etc.

11-802. Caves, wells, cisterns, etc.

11-803. Posting notices, etc.

11-804. Curfew for minors.

11-805. Wearing masks.

**11-801. Abandoned refrigerators, etc.** It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door. (1973 Code, § 10-223)

**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. (1973 Code, § 10-232)

**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. (1973 Code, § 10-227)

**11-804. Curfew for minors.** It shall be unlawful for any minor to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places, and public building, places of amusement, vacant lots or other unsupervised places between the hours of 11:00 P.M. and 5:00 A.M. on Sunday, Monday, Tuesday, Wednesday and Thursday of each week and between the hours of 12:00 Midnight and 5:00 A.M. on Friday and Saturday of each week; provided, however, that the provisions of this section do not apply when the minor is accompanied by his or her parent or guardian, or when the minor is on an emergency errand or legitimate business directed by his or her parent or guardian.

Each violation of the provisions of this section shall constitute a separate offense. (1973 Code, § 10-224)

**11-805. Wearing masks.** It shall be unlawful for any person to appear on or in any public way or place while wearing any mask, device, or hood whereby any portion of the face is so hidden or covered as to conceal the identity of the wearer. The following are exempted from the provisions of this section:

- (1) Children under the age of ten (10) years.
- (2) Workers while engaged in work wherein a face covering is necessary for health and/or safety reasons.
- (3) Persons wearing gas masks in civil defense drills and exercises or emergencies.
- (4) Any person having a special permit issued by the city recorder to wear a traditional holiday costume. (1973 Code, § 10-236)

## TITLE 12

### BUILDING, UTILITY, ETC. CODES

#### CHAPTER

1. BUILDING CODE.
2. PLUMBING CODE.
3. ELECTRICAL CODE.
4. GAS CODE.
5. HOUSING CODE.
6. MODEL ENERGY CODE.
7. RESTRICTIONS FOR BUILDINGS ON OR FACING THE PUBLIC SQUARE.

#### CHAPTER 1

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

#### SECTION

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

**12-101. Building code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the construction, alteration, repair, use, and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the Standard Building Code<sup>2</sup>, 1994 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by

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<sup>1</sup>Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

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

reference as a part of this code, and is hereinafter referred to as the building code. (1973 Code, § 4-101, modified)

**12-102. Modifications.** Whenever the building code refers to the "Chief Appointing Authority" or the "Chief Administrator," it shall be deemed to be a reference to the governing body of the municipality. When the "Building Official" or "Director of Public Works" is named it shall, for the purposes of the building code, mean such person as the municipal governing body shall have appointed or designated to administer and enforce the provisions of the building code. The schedule of permit fees set forth in Appendix "B" is amended so that the fees to be collected shall be exactly one-half of the sums therein prescribed. Provided, however, that the minimum fee for an inspection shall be \$1.50. Section 107 of the building code is hereby deleted. (1973 Code, § 4-102)

**12-103. Available in recorder's office.** Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the building code with the above modifications has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1973 Code, § 4-103, modified)

**12-104. Violations.** It shall be unlawful for any person to violate or fail to comply with any provision of the building code as herein adopted by reference and modified. (1973 Code, § 4-104)

## CHAPTER 2

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

#### SECTION

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

**12-201. Plumbing code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the municipality, when such plumbing is or is to be connected with the municipal water or sewerage system, the Standard Plumbing Code,<sup>2</sup> 1994 edition, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code. (1973 Code, § 4-201, modified)

**12-202. Modifications.** Wherever the plumbing code refers to the "Chief Appointing Authority," the "Administrative Authority," or the "Governing Authority," it shall be deemed to be a reference to the governing body of this municipality.

Wherever "City Engineer," "Engineering Department," "Plumbing Official," or "Inspector" is named or referred to, it shall mean the person appointed or designated by the municipal governing body to administer and enforce the provisions of the plumbing code. Section 107 of the plumbing code is hereby deleted. (1973 Code, § 4-202)

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<sup>1</sup>Municipal code references

Cross connections: title 18.

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

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

**12-203. Available in recorder's office.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the plumbing code with the above modifications has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1973 Code, § 4-203, modified)

**12-204. Violations.** It shall be unlawful for any person to violate or fail to comply with any provision of the plumbing code as herein adopted by reference and modified. (1973 Code, § 4-204)

## CHAPTER 3

### ELECTRICAL CODE<sup>1</sup>

#### SECTION

- 12-301. Electrical code adopted.
- 12-302. Available in recorder's office.
- 12-303. Permit required for doing electrical work.
- 12-304. Violations.
- 12-305. Enforcement.
- 12-306. Fees.

**12-301. Electrical code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506 and for the purpose of providing practical minimum standards for the safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, or for other purposes, the National Electrical Code,<sup>2</sup> 1993 edition, as prepared by the National Fire Protection Association, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the electrical code. (1973 Code, § 4-301, modified)

**12-302. Available in recorder's office.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the electrical code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1973 Code, § 4-302, modified)

**12-303. Permit required for doing electrical work.** No electrical work shall be done within this municipality until a permit therefor has been issued by the municipality. The term "electrical work" shall not be deemed to include minor repairs that do not involve the installation of new wire, conduits, machinery, apparatus, or other electrical devices generally requiring the services of an electrician. (1973 Code, § 4-303)

**12-304. Violations.** It shall be unlawful for any person to do or authorize any electrical work or to use any electricity in such manner or under

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<sup>1</sup>Municipal code references

Fire protection, fireworks and explosives: title 7.

<sup>2</sup>Copies of this code may be purchased from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

such circumstances as not to comply with this chapter and/or the requirements and standards prescribed by the electrical code. (1973 Code, § 4-304)

**12-305. Enforcement.** The electrical inspector shall be such person as the city manager shall appoint or designate. It shall be his duty to enforce compliance with this chapter and the electrical code as herein adopted by reference. He is authorized and directed to make such inspections of electrical equipment and wiring, etc., as are necessary to insure compliance with the applicable regulations, and may enter any premises or building at any reasonable time for the purpose of discharging his duties. He is authorized to refuse or discontinue electrical service to any person or place not complying with this chapter and/or the electrical code. (1973 Code, § 4-305)

**12-306. Fees.** The electrical inspector shall collect the same fees as are authorized in Tennessee Code Annotated, § 68-102-143 for electrical inspections by deputy inspectors of the state fire marshal. (1973 Code, § 4-306)

## CHAPTER 4

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

#### SECTION

- 12-401. Title and definitions.
- 12-402. Purpose and scope.
- 12-403. Use of existing piping and appliances.
- 12-404. Bond and license.
- 12-405. Gas inspector and assistants.
- 12-406. Powers and duties of inspector.
- 12-407. Permits.
- 12-408. Inspections.
- 12-409. Certificates.
- 12-410. Fees.
- 12-411. Violations and penalties.
- 12-412. Nonliability.

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

The following definitions are provided for the purpose of interpretation and administration of the gas code.

(1) "Inspector" means the city manager or the person appointed as inspector, and shall include each assistant inspector, if any, from time to time acting as such under this chapter by appointment of the city manager.

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

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

(4) "Certificate of approval" means a document or tag issued and/or attached by the inspector to the inspected material, piping, or appliance installation, filled out, together with date, address of the premises, and signed by the inspector.

(5) "Certain appliances" means conversion burners, floor furnaces, central heating plants, vented wall furnaces, water heaters, and boilers. (1973 Code, § 4-401)

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<sup>1</sup>Municipal code reference

Gas system administration: title 19, chapter 2.

**12-402. Purpose and scope.** The purpose of the gas code is to provide minimum standards, provisions, and requirements for safe installation of consumer's gas piping and gas appliances. All gas piping and gas appliances installed, replaced, maintained, or repaired within the corporate limits shall conform to the requirements of this chapter and to the Standard Gas Code,<sup>1</sup> 1994 edition, as the same may be hereinafter amended, which is hereby incorporated by reference and made a part of this chapter as if fully set forth herein. One (1) copy of the gas code shall be kept on file in the office of the city recorder for the use and inspection of the public. (1973 Code, § 4-402, modified)

**12-403. Use of existing piping and appliances.** Notwithstanding any provision in the gas code to the contrary, consumer's piping installed prior to the adoption of the gas code or piping installed to supply other than natural gas may be converted to natural gas if the inspector finds, upon inspection and proper tests, that such piping will render reasonably satisfactory gas service to the consumer and will not in any way endanger life or property; otherwise, such piping shall be altered or replaced, in whole or in part, to conform with the requirements of the gas code. (1973 Code, § 4-403)

**12-404. Bond and license.** (1) No person shall engage in or work at the installation, extension, or alteration of consumer's gas piping or certain gas appliances, until such person shall have secured a license as hereinafter provided, and shall have executed and delivered to the city recorder a good and sufficient bond in the penal sum of \$10,000, with corporate surety, conditioned for the faithful performance of all such work, entered upon or contracted for, in strict accordance and compliance with the provisions of the gas code. The bond herein required shall expire on the first day of January next following its approval by the city recorder, and thereafter on the first day of January of each year a new bond, in form and substance as herein required, shall be given by such person to cover all such work as shall be done during such year.

(2) Upon approval of said bond, the person desiring to do such work shall secure from the city recorder countersigned by the gas inspector, a non-transferable license which shall run until the first day of January next succeeding its issuance, unless sooner revoked. The person obtaining a license shall pay any applicable license fees to the city recorder; provided, however, any license obtained after the 1st day of July of any year shall be computed at the rate of one half (1/2) of the annual fee.

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

(3) Nothing herein contained shall be construed as prohibiting an individual from installing or repairing his own appliances or installing, extending, replacing, altering, or repairing consumer's piping on his own premises, or as requiring a license or a bond from an individual doing such work on his own premises; provided, however, all such work must be done in conformity with all other provisions of the gas code, including those relating to permits, inspections, and fees. (1973 Code, § 4-404)

**12-405. Gas inspector and assistants.** To provide for the administration and enforcement of the gas code, the office of gas inspector is hereby created. The inspector, and such assistants as may be necessary in the proper performance of the duties of the office, shall be appointed or designated by the city manager and the compensation for such office shall be determined at the time of the appointment. (1973 Code, § 4-405)

**12-406. Powers and duties of inspector.** (1) The inspector is authorized and directed to enforce all of the provisions of the gas code. Upon presentation of proper credentials, he may enter any building or premises at reasonable times for the purpose of making inspections or preventing violations of the gas code.

(2) The inspector is authorized to disconnect any gas piping or fixture or appliance for which a certificate of approval is required but has not been issued with respect to same, or which, upon inspection, shall be found defective or in such condition as to endanger life or property. In all cases where such a disconnection is made, a notice shall be attached to the piping, fixture, or appliance disconnected by the inspector, which notice shall state that the same has been disconnected by the inspector, together with the reason or reasons therefor, and it shall be unlawful for any person to remove said notice or reconnect said gas piping or fixture or appliance without authorization by the inspector and such gas piping or fixture or appliance shall not be put in service or used until the inspector has attached his certificate of approval in lieu of his prior disconnection notice.

(3) It shall be the duty of the inspector to confer from time to time with representatives of the local health department, the local fire department, and the gas company, and otherwise obtain from proper sources all helpful information and advice, presenting same to the appropriate officials from time to time for their consideration. (1973 Code, § 4-406)

**12-407. Permits.** (1) No person shall install a gas conversion burner, floor furnace, central heating plant, vented wall furnace, water heater, boiler, consumer's gas piping, or convert existing piping to utilize natural gas without first obtaining a permit to do such work from the city recorder; however, permits

will not be required for setting or connecting other gas appliances, or for the repair of leaks in house piping.

(2) When only temporary use of gas is desired, the inspector may issue a permit for such use, for a period of not to exceed sixty (60) days, provided the consumer's gas piping to be used is given a test equal to that required for a final piping inspection.

(3) Except when work in a public street or other public way is involved the gas company shall not be required to obtain permits to set meters, or to extend, relocate, remove, or repair its service lines, mains, or other facilities, or for work having to do with its own gas system.

(4) No permit shall be issued except upon proof that the applicant has obtained a comprehensive general products liability policy with limits of not less than twenty-five thousand dollars (\$25,000) as to each accident for bodily injury, or fifty thousand dollars (\$50,000) as to each accident for bodily injury, and twenty-five thousand dollars (\$25,000) property damage, or fifty thousand dollars (\$50,000) in the aggregate for all property damages.

(5) No permit shall be issued to any person for installation of gas appliances, facilities or equipment, unless such persons, firm, or corporation engaged to make such installations has been certified for fitness by the gas inspector. (1973 Code, § 4-407)

**12-408. Inspections.** (1) A rough piping inspection shall be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been attached thereto.

(2) A final piping inspection shall be made after all piping authorized by the permit has been installed and after all portions thereof which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been attached thereto. This inspection shall include a pressure test, at which time the piping shall stand an air pressure equal to not less than the pressure of a column of mercury six (6) inches in height, and the piping shall hold this air pressure for a period of at least ten (10) minutes without any perceptible drop. A mercury column gauge shall be used for the test. All tools, apparatus, labor, and assistance necessary for the test shall be furnished by the installer of such piping. (1973 Code, § 4-408)

**12-409. Certificates.** The inspector shall issue a certificate of approval at the completion of the work for which a permit for consumer piping has been issued if after inspection it is found that such work complies with the provisions of the gas code. A duplicate of each certificate issued covering consumer's gas piping shall be delivered to the gas company and used as its authority to render gas service. (1973 Code, § 4-409)

**12-410. Fees.** (1) The total fees for inspection of consumer's gas piping at one location (including both rough and final piping inspection) shall be \$1.50 for one to five outlets, inclusive, and \$0.50 for each outlet above five.

(2) The fees for inspecting conversion burners, floor furnaces, boilers, or central heating plants shall be \$1.50 for each unit.

(3) The fees for inspecting vented wall furnaces and water heaters shall be \$1.00 for each unit.

(4) If the inspector is called back, after correction of defects noted, an additional fee of \$1.00 shall be made for each such return inspection.

(5) Any and all fees shall be paid by the person to whom the permit is issued. (1973 Code, § 4-410)

**12-411. Violations and penalties.** Any person who shall violate or fail to comply with any of the provisions of the gas code shall be guilty of a misdemeanor, and upon conviction thereof shall be fined under the general penalty clause for this code of ordinances, or the license of such person may be revoked, or both fine and revocation of license may be imposed. (1973 Code, § 4-411)

**12-412. Nonliability.** This chapter shall not be construed as imposing upon the municipality any liability or responsibility for damages to any person injured by any defect in any gas piping or appliance mentioned herein, or by installation thereof, nor shall the municipality, or any official or employee thereof, be held as assuming any such liability or responsibility by reason of the inspection authorized hereunder or the certificate of approval issued by the inspector. (1973 Code, § 4-412)

## CHAPTER 5

### HOUSING CODE

#### SECTION

12-501. Housing code adopted.

12-502. Modifications.

12-503. Available in recorder's office.

12-504. Violations.

**12-501. Housing code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of securing the public safety, health, and general welfare through structural strength, stability, sanitation, adequate light, and ventilation in dwellings, apartment houses, rooming houses, and buildings, structures, or premises used as such, the Standard Housing Code,<sup>1</sup> 1991 edition with 1992/1994 revisions, as prepared and adopted by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the housing code. (1973 Code, § 4-501, modified)

**12-502. Modifications.** Wherever the housing code refers to the "Building Official" it shall mean the person appointed or designated by the city manager to administer and enforce the provisions of the housing code. Wherever the "Department of Law" is referred to it shall mean the city attorney. Wherever the "Chief Appointing Authority" is referred to it shall mean the city manager. Section 108 of the housing code is deleted. (1973 Code, § 4-502)

**12-503. Available in recorder's office.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the housing code with the above modifications has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1973 Code, § 4-503, modified)

**12-504. Violations.** It shall be unlawful for any person to violate or fail to comply with any provision of the housing code as herein adopted by reference and modified. (1973 Code, § 4-504)

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

## CHAPTER 6

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

#### SECTION

- 12-601. Model energy code adopted.
- 12-602. Modifications.
- 12-603. Available in recorder's office.
- 12-604. Violations and penalty.

**12-601. Model energy code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the design of buildings for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, water-heating and illumination systems and equipment which will enable the effective use of energy in new building construction, the Model Energy Code<sup>2</sup> 1992 edition, as prepared and maintained by The Council of American Building Officials, is hereby adopted and incorporated by reference as a part of this code, and is hereinafter referred to as the energy code.

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

**12-603. Available in recorder's office.** Pursuant to the requirements of the Tennessee Code Annotated, § 6-54-502, one (1) copy of the energy code has

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<sup>1</sup>State law reference

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

Municipal code references

Fire protection, fireworks, and explosives: title 7.

Planning and zoning: title 14.

Streets and other public ways and places: title 16.

Utilities and services: titles 18 and 19.

<sup>2</sup>Copies of this code (and any amendments) may be purchased from The Council of American Building Officials, 5203 Leesburg, Pike Falls Church, Virginia 22041.

been placed on file in the recorder's office and shall be kept there for the use and inspection of the public.

**12-604. Violations and penalty.** It shall be a civil offense for any person to violate or fail to comply with any provision of the energy code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to five hundred dollars (\$500) for each offense. Each day a violation is allowed to continue shall constitute a separate offense.

## CHAPTER 7

### **RESTRICTIONS FOR BUILDINGS ON OR FACING THE PUBLIC SQUARE**

#### **SECTION**

12-701. Buildings constructed on combustible materials prohibited.

12-702. Application required.

12-703. Conditions in application; access to premises.

12-704. Permit application fee.

12-705. Violation and penalty.

12-706. Permit required for making repairs or erection of buildings.

**12-701. Buildings constructed of combustible materials prohibited.** No building shall be constructed of wood or other combustible materials on or facing the Public Square of the City of Waynesboro, or upon any building facing such public square, or within 300 feet of such public square. (Ord. #626, Oct. 1975)

**12-702. Application required.** No building or structure shall be erected or any repairs or additions to any building or structure made within the city limits of the City of Waynesboro, until application for a permit so to do shall first be applied for and obtained from the Board of Commissioners of the City of Waynesboro. Provided that this requirement shall not apply in any case where the cost of such repairs to be made upon any building or structure shall not exceed the sum of \$500.00 when completed, unless such repairs, additions and construction is to be done upon the Public Square. (Ord. #626, Oct. 1975)

**12-703. Conditions in application; access to premises.** All applications for a permit to erect a building or structure or to make additions or repairs to any building or structure within the limits of the City of Waynesboro shall state the place, date, and nature of such construction or repairs, the kinds of materials to be used, for what the building will be used, and the amount of cash to be expended for such building or repairs. In the event, construction is to take place within the "Flood Control Area" as set forth in the Flood Insurance Act of 1969, then, the applicant must submit plans and equipment lists, materials, etc, and proposed building site to the city manager. In the event construction in the Flood Control Area would violate the Rules and Regulation of the Federal Flood Insurance Act of 1969, a building permit may be denied to said applicant. Such applications shall be made in writing and filed with the city recorder at city hall. All applications on file will be considered by the board of commissioners at its next regular meeting after same shall have been filed, and appropriate action taken. If a majority of the board of commissioners shall

act favorably upon such application, a permit will be issued by the city recorder, and all persons and corporations applying for and receiving a permit shall abide by and perform the terms thereof, and comply with the requirements of the permit. No construction or repairs shall be begun until such permit is granted, issued and delivered to the applicant.

The board of commissioners for such City of Waynesboro, or any agent, official or representative of such City of Waynesboro, shall have the right to go upon any premises where any construction or repairs are being carried on and inspect same at any and all times. (Ord. #626, Oct. 1975)

**12-704. Permit application fee.** A fee of \$5.00 will be charged by the City of Waynesboro, for each building permit application. Fee payable at time of application. (Ord. #626, Oct. 1975)

**12-705. Violation and penalty.** It shall be unlawful for any person, firm or corporation to begin construction or repairs in the City of Waynesboro, for which a permit is required, before applying for or receiving a permit, so to do, as herein provided. For each and every violation of these provisions the offender shall be deemed guilty of violating this chapter, and upon trial before the city judge may be required to pay for each and every offense, a fine or forfeit to the City of Waynesboro in an amount of not less than twenty-five dollars (\$25.00), nor more than fifty dollars (\$50.00). Each day such construction or repair work is being carried on shall be deemed a separate offense. (Ord. #626, Oct. 1975)

**12-706. Permit required for making repairs or erection of buildings.** If any person, firm or corporation shall erect any building or structure, or make any repairs in violation of the provisions of this chapter, and without first applying for and obtaining a permit so to do, which may be deemed by a majority of the board of commissioners to be dangerous to the health of the citizens of the City of Waynesboro, or constitute a fire hazard, or a nuisance, or detrimental to the best interests of the citizens of the City of Waynesboro, such buildings, structures, additions and repairs may be declared a nuisance and abated as such by proper proceedings for such purpose, or by physically destroyed by any police officer of such City of Waynesboro. Any person offending and violating any of the provisions of this chapter, or who may require court action to abate any such nuisance or destruction of any building, structure, additions or repairs made without a permit so to do, as herein provided, shall pay all costs of effecting the provisions of this chapter, including court costs and a reasonable fee to the attorney representing the City of Waynesboro. (Ord. #626, Oct. 1975)

## TITLE 13

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

#### CHAPTER

1. MISCELLANEOUS.
2. JUNKYARDS.

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

- 13-101. Health officer.
- 13-102. Smoke, soot, cinders, etc.
- 13-103. Stagnant water.
- 13-104. Weeds.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
- 13-107. House trailers.

**13-101. Health officer.** The "health officer" shall be such municipal, county, or state officer as the city manager shall appoint or designate to administer and enforce health and sanitation regulations within the municipality. (1973 Code, § 8-501)

**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. (1973 Code, § 8-505)

**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 to effectively prevent the breeding of mosquitoes. (1973 Code, § 8-506)

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<sup>1</sup>Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

Toilet facilities in beer places: § 8-214(11).

**13-104. Weeds.** Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the city manager or chief of police to cut such vegetation when it has reached a height of over one (1) foot. (1973 Code, § 8-507)

**13-105. Dead animals.** Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1973 Code, § 8-508)

**13-106. Health and sanitation nuisances.** It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity.

The governing body may by resolution declare the continuance of such conditions a nuisance and give reasonable notice to the interested persons which will afford them with an opportunity to be heard in reference to such resolution. If such resolution is sustained, failure on the part of the offending person or persons to comply with such resolution directing him to abate said offense within a specified time shall provide the governing body with authority to abate the nuisance by its own means at the expense of the offender. Expenditures made by the city in the abatement of such objectionable conditions shall constitute a lien upon the property for which the expenditures were made, which may be enforced by suit as other tax liens of the city. (1973 Code, § 8-509)

**13-107. House trailers.** It shall be unlawful for any person to park, locate, or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary, and building provisions applicable to stationary structures and the proposed location conforms to the zoning provisions of the municipality and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1973 Code, § 8-504)

**CHAPTER 2****JUNKYARDS****SECTION****13-201. Junkyards.**

**13-201. Junkyards.**<sup>1</sup> All junkyards within the corporate limits shall be operated and maintained subject to the following regulations:

(1) All junk stored or kept in such yards shall be so kept that it will not catch and hold water in which mosquitoes may breed and so that it will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.

(2) All such junkyards shall be enclosed within close fitting plank or metal solid fences touching the ground on the bottom and being not less than six (6) feet in height, such fence to be built so that it will be impossible for stray cats and/or stray dogs to have access to such junkyards.

(3) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. (1973 Code, § 8-510)

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<sup>1</sup>State law reference

The provisions of this section were taken substantially from the Bristol ordinance upheld by the Tennessee Court of Appeals as being a reasonable and valid exercise of the police power in the case of Hagaman v. Slaughter, 49 Tenn. App. 338, 354 S.W.2d 818 (1961).

**TITLE 14****ZONING AND LAND USE CONTROL****CHAPTER**

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. FLOOD DAMAGE PREVENTION.

**CHAPTER 1****MUNICIPAL PLANNING COMMISSION****SECTION**

- 14-101. Creation and membership.
- 14-102. Organization, powers, duties.
- 14-103. Regional planning powers.

**14-101. Creation and membership.** Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of seven (7) members; two (2) of these shall be the mayor and another member of the board of commissioners selected by the board of commissioners; the other five (5) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the five (5) members appointed by the mayor shall be for five (5) years each. The five (5) members first appointed shall be appointed for terms of one (1), two (2), three (3), four (4), and five (5) years, respectively so that the term of one (1) member expires each year. The terms of the mayor and the member selected by the board of commissioners shall run concurrently their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor, who shall also have the authority to remove any appointive member at his pleasure.

Members other than ex officio members shall be appointed from among persons in a position to represent the general public interest, and no person shall be appointed with private or personal interests likely to conflict with the general public interest. If any person appointed shall find that his private or personal interests are involved in any matter coming before the commission, he shall disqualify himself from taking part in action on the matter. (Ord. #627, Sept. 1976)

**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. (Ord. #627, Sept. 1976)

**14-103. Regional planning powers.** At such time as the Tennessee State Planning Office, acting pursuant to Tennessee Code Annotated, §§ 13-3-102 and 13-1-106 may designate the Waynesboro Municipal Planning Commission as a regional planning commission with planning jurisdiction over a planning region which includes the territory of the City of Waynesboro, then the Waynesboro Municipal Planning Commission shall have the additional powers granted by and shall otherwise be governed by the provisions of Tennessee Code Annotated, title 13 relating to regional planning commissions. To the extent that the State Planning Office may require initiative by the City of Waynesboro in creating a planning region containing the territory of the City of Waynesboro and in granting regional planning powers within such region to the Waynesboro Municipal Planning Commission, then such local initiative shall be within the powers hereby granted to and at the discretion of the Waynesboro Municipal Planning Commission. (Ord. #627, Sept. 1976)

**CHAPTER 2**

**ZONING ORDINANCE**

**SECTION**

14-201. Land use to be governed by zoning ordinance.

**14-201. Land use to be governed by zoning ordinance.** Land use within the City of Waynesboro shall be governed by Ordinance Number 646, titled "Zoning Ordinance, Waynesboro, Tennessee," and any amendments thereto.<sup>1</sup>

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<sup>1</sup>Ordinance No. 646, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

## CHAPTER 3

### FLOOD DAMAGE PREVENTION

#### SECTION

- 14-301. Statutory authorization, findings of fact, purpose and objectives.
- 14-302. Definitions.
- 14-303. General provisions.
- 14-304. Administration.
- 14-305. Provisions for flood hazard reduction.

**14-301. Statutory authorization, findings of fact, purpose and objectives.** (1) Statutory authorization. The Legislature of the State of Tennessee has in Tennessee Code Annotated, § 6-19-101 et seq. 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 Commission of Waynesboro, does ordain as follows:

(2) Findings of fact. (a) The flood hazard areas of Waynesboro 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.

(b) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

(3) Statement of purpose. It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(a) 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;

(b) Require that uses vulnerable to floods, including facilities which serve such uses, 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 flood waters;

(d) Control filling, grading, dredging and other development which may increase erosion of flood damage, and;

(e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(4) Objectives. The objectives of this chapter are:

(a) To protect human life and health;

(b) To minimize expenditure of public money 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, street and bridges located in floodplains;

(f) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas, and;

(g) To ensure that potential buyers are notified that property is in a flood area. (Ord. #661, Feb. 1987)

**14-302. Definitions.** Unless specifically defined below, words or phrases used in this chapter shall be interpreted as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

(1) "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.

(2) "Appeal" means a request for a review of the Waynesboro Planning Commission's interpretation of any provision of this chapter or a request for a variance.

(3) "Area of shallow flooding" means a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths 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.

(4) "Area of special flood hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

(5) "Base flood" means the flood having a one percent chance of being equalled or exceeded in any given year.

(6) "Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

(7) "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.

(8) "Building" means any structure built for support, shelter, or enclosure for any occupancy or storage.

(9) "Coastal high hazard area" means the area subject to high velocity waters caused by, but not limited to, hurricane wave wash. The area is designated on a FIRM as Zone V1 - 30, VE or V.

(10) "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials.

(11) "Elevated building" means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

(12) "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.

(13) "Flood hazard boundary map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special hazard have been defined as Zone A.

(14) "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.

(15) "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 Floodway Map and the water surface elevation of the base flood.

(16) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

(17) "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.

(18) "Functionally dependent facility" means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility for the loading and

unloading of cargo or passengers, ship building, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

(19) "Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

(20) "Mangrove stand" means an assemblage of mangrove trees which is mostly low trees noted for a copious development of interlacing adventitious roots above the ground and which contain one or more of the following species: black mangrove (Avicennia nitida); red mangrove (Rhizophora mangle); white mangrove (Languncularia racemosa); and buttonwood (Conocarpus erecta).

(21) "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 also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

(22) "Mean sea level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this chapter, the term is synonymous with National Geodetic Vertical Datum (NGVD).

(23) "National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

(24) "New construction" any structure for which the "start of construction" commenced on or after the effective date of this chapter.

(25) "Sand dunes" means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

(26) "Start of construction" (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348)), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means 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.

(27) "Structure" 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.

(28) "Substantial improvement" means any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during (the life of a structure) (a twenty (20) year period), in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should be (a) the appraised value of the structure prior to the start of the initial repair or improvement, or (b) in the case of damage, the value of the structure prior to the damage occurring. For the purposes 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 structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living condition.

(29) "Variance" is a grant of relief from the requirements of this chapter which permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship. (Ord. #661, Feb. 1987)

**14-303. General provisions.** (1) Lands to which this chapter applies. This chapter shall apply to all areas of special flood hazard within the jurisdiction of Waynesboro, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the Federal Emergency Management Agency in its report on Floods on Green River, Hurricane and Chalk Creeks, and Rocky Mill Branch in the Vicinity of Waynesboro, Tennessee, dated August, 1984, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this chapter.

(3) Establishment of development permit. A development permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities.

(4) Compliance. No structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations.

(5) Abrogation and greater restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter conflicts or overlaps, whichever imposes the more stringent restrictions shall prevail.

(6) Interpretation. In the interpretation and application of this chapter all provisions shall be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body, and;

(c) Deemed neither to limit nor repeal any other powers granted under state statutes.

(7) Warning and disclaimer of liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of Waynesboro, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

(8) Penalties for violation. Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50.00 or imprisoned for not more than 10 days, or both, 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 Waynesboro from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. #661, Feb. 1987)

**14-304. Administration.** (1) Designation of city manager. The city manager is hereby appointed to administer and implement the provisions of this chapter.

(2) Permit procedures. Application for a development permit shall be made to the city manager, City of Waynesboro, on forms furnished by him or her other prior to any development activities, and 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, fill, storage of materials, drainage facilities, and the location of the foregoing. 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.

(ii) Elevation in relation to mean sea level to which any non-residential building will be flood-proofed.

(iii) Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in § 14-304(2)(b).

(iv) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(b) Construction stage. Provide a floor elevation or flood-proofing certification after the lowest floor is completed. Upon placement of the lowest floor, or flood-proofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the City Manager, City of Waynesboro, a certification of the elevation of the lowest floor or flood-proofed elevation, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing 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 city manager shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(3) Duties and responsibilities of the city manager. Duties of the city manager shall include, but not be limited to:

(a) Review of all development permits to assure that the requirements of this chapter have been satisfied.

(b) Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit.

(c) Notify adjacent communities and the Tennessee Valley Authority prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(d) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(e) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with § 14-304(2)(b).

(f) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved buildings have been flood-proofed, in accordance with § 14-304(2)(b).

(g) When flood-proofing is utilized for a particular structure, the city manager shall obtain certification from a registered professional engineer or architect, in accordance with § 14-304(2)(b).

(h) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there

appears to be a conflict between a mapped boundary and actual field conditions) the city manager 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 this chapter.

(i) When base flood elevation data or floodway data have not been provided in accordance with § 14-303(2) then the city manager shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of § 14-305.

(j) All records pertaining to the provisions of this chapter shall be maintained in the office of the city manager and shall be open for public inspection.

(4) Variance procedures. (a) The planning commission as established by the City Commission of Waynesboro, Tennessee, shall hear and decide appeals and requests for variances from the requirements of this chapter.

(b) The planning commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the city manager in the enforcement or administration of this chapter.

(c) Any person aggrieved by the decision of the planning commission or any taxpayer may appeal such decision to the city commission.

(d) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section, except for § 14-304(4)(h)(i) and (iv), and provided the proposed reconstruction, rehabilitation, or restoration will not result in the structure losing its historical designation.

(e) In passing upon such applications, the planning commission shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:

(i) The danger that materials may be swept onto other lands to the injury of others;

(ii) The danger to life and property due to flooding or erosion damage;

(iii) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(iv) The importance of the services provided by the proposed facility to the community;

(v) The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;

(vi) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(vii) The compatibility of the proposed use with existing and anticipated development;

(viii) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(ix) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(x) 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,

(xi) 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.

(f) conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(g) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(h) Conditions for variances: (i) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a historical building, a determination that the variance is the minimum 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 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.

(iii) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(iv) The city manager shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request. (Ord. #661, Feb. 1987)

**14-305. Provisions for flood hazard reduction.** (1) General standards. In all areas of special flood hazard the following provisions are required:

(a) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(b) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

(c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(d) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(e) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and

(i) Any alteration, repair, reconstruction or improvements to a building which is in compliance with the provisions of this chapter, shall meet the requirements of "new construction" as contained in this chapter.

(2) Specific standards. In all areas of special flood hazard where base flood elevation data have been provided, as set forth in § 14-303(2) or § 14-304(3), the following provisions are required:

(a) Residential construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement elevated no lower than one (1) foot above the base flood elevation. Should said foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded

movements of flood waters shall be provided in accordance with standards of § 14-305(2)(c).

(b) Non-residential construction. New construction or substantial improvement of any commercial, industrial, or non-residential building shall have the lowest floor, including basement, elevated no lower than one (1) foot above the level of the base flood elevation. Structures located in all A-zones may be flood-proofed in lieu of being elevated provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, and use 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 official as set forth in § 14-304(2)(c).

(c) Elevated building. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

(i) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.

(A) Provide a minimum of two openings having a total net area of not less than one 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 above grade; and

(C) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(ii) Electrical, plumbing, and other utility connections are prohibited below the base flood elevation;

(iii) 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

(iv) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

(d) Floodways. Located within areas of special flood hazard established in § 14-303(2), are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood

waters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply:

(i) Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge;

(ii) If § 14-305(2)(d)(i) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of § 14-305.

(iii) Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of § 14-305(1)(b), and the elevation standards of § 14-305(2)(a) are met.

(3) Standards for streams without established base flood elevations and/or floodways. Located within the areas of special flood hazard established in § 14-303(2), where small streams exist but where no base flood data have been provided or where no floodways have been provided, the following provisions apply:

(a) No encroachments, including fill material or structures shall be located within a distance of the stream bank equal to one times the width of the stream at the top of bank or twenty feet each side from top of bank, whichever is greater, unless certification by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(b) New construction or substantial improvements of structures shall be elevated or flood-proofed to elevations established in accordance with § 14-304(3).

(4) Standards for subdivision proposals. (a) All subdivision proposals shall be consistent with the need to minimize flood damage;

(b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and,

(d) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than the lesser of fifty lots or five acres.

(5) Standards for areas of shallow flooding (AO Zones). Located within the areas of special flood hazard established in § 18-303(2), are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' - 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

(a) All new construction and substantial improvements of residential structures 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.

(b) All new construction and substantial improvements of non-residential structures shall:

(i) have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade; or,

(ii) together with attendant utility and sanitary facilities be completely flood-proofed 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. (Ord. #661, Feb. 1987)

## TITLE 15

### MOTOR VEHICLES, TRAFFIC AND PARKING<sup>1</sup>

#### CHAPTER

1. MISCELLANEOUS.
2. EMERGENCY VEHICLES.
3. SPEED LIMITS.
4. TURNING MOVEMENTS.
5. STOPPING AND YIELDING.
6. PARKING.
7. ENFORCEMENT.

#### CHAPTER 1

#### MISCELLANEOUS<sup>2</sup>

#### SECTION

- 15-101. Motor vehicle requirements.
- 15-102. Driving on streets closed for repairs, etc.
- 15-103. Reckless driving.
- 15-104. One-way streets.
- 15-105. Unlaned streets.
- 15-106. Laned streets.
- 15-107. Yellow lines.
- 15-108. Miscellaneous traffic-control signs, etc.
- 15-109. General requirements for traffic-control signs, etc.
- 15-110. Unauthorized traffic-control signs, etc.
- 15-111. Presumption with respect to traffic-control signs, etc.
- 15-112. School safety patrols.
- 15-113. Driving through funerals or other processions.

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<sup>1</sup>Municipal code reference

Excavations and obstructions in streets, etc.: title 16.

<sup>2</sup>State law references

Under Tennessee Code Annotated, § 55-10-307, the following offenses are exclusively state offenses and must be tried in a state court or a court having state jurisdiction: driving while intoxicated or drugged, as prohibited by Tennessee Code Annotated, § 55-10-401; failing to stop after a traffic accident, as prohibited by Tennessee Code Annotated, § 55-10-101, et seq.; driving while license is suspended or revoked, as prohibited by Tennessee Code Annotated, § 55-7-116; and drag racing, as prohibited by Tennessee Code Annotated, § 55-10-501.

- 15-114. Clinging to vehicles in motion.
- 15-115. Riding on outside of vehicles.
- 15-116. Backing vehicles.
- 15-117. Projections from the rear of vehicles.
- 15-118. Causing unnecessary noise.
- 15-119. Vehicles and operators to be licensed.
- 15-120. Passing.
- 15-121. Damaging pavements.
- 15-122. Bicycle riders, etc.

**15-101. 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. (1973 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 of the City of Waynesboro that is barricaded or closed for repairs or other lawful purpose. (1973 Code, § 9-106)

**15-103. Reckless driving.** Irrespective of the posted speed limit, no person, including operators of emergency vehicles, shall drive any vehicle in willful or wanton disregard for the safety of persons or property. (1973 Code, § 9-107)

**15-104. One-way streets.** On any street for one-way traffic with posted signs indicating the authorized direction of travel at all intersections offering access thereto, no person shall operate any vehicle except in the indicated direction. (1973 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. (1973 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. (1973 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. (1973 Code, § 9-112)

**15-108. Miscellaneous traffic-control signs, etc.**<sup>1</sup> It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic-control sign, signal, marking, or device placed or erected by the state or the municipality unless otherwise directed by a police officer. At the scene of a fire, a fireman shall have police authority in the direction of traffic.

It shall be unlawful for any pedestrian or the operator of any vehicle to willfully violate or fail to comply with the reasonable directions of any police officer. (1973 Code, § 9-113)

**15-109. General requirements for traffic-control signs, etc.** All traffic-control signs, signals, markings, and devices shall conform to the latest revision of the Manual on Uniform Traffic Control Devices for Streets and

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<sup>1</sup>Municipal code references

Stop signs, yield signs, flashing signals, pedestrian control signs, traffic control signals generally: §§ 15-505--15-509.

Highways,<sup>1</sup> published by the U. S. Department of Transportation, Federal Highway Administration, and shall, so far as practicable, be uniform as to type and location throughout the municipality. This section shall not be construed as being mandatory but is merely directive. (1973 Code, § 9-114)

**15-110. Unauthorized traffic-control signs, etc.** No person shall place, maintain, or display upon or in view of any street, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control sign, signal, marking, or device or railroad sign or signal, or which attempts to control the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic-control sign, signal, marking, or device or any railroad sign or signal. (1973 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. (1973 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. (1973 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. (1973 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. (1973 Code, § 9-120)

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<sup>1</sup>This manual may be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington, D.C. 20402.

**15-115. Riding on outside of vehicles.** It shall be unlawful for any person to ride, or for the owner or operator of any motor vehicle being operated on a street, alley, or other public way or place to permit any person to ride on any portion of such vehicle not designed or intended for the use of passengers. This section shall not apply to persons engaged in the necessary discharge of lawful duties nor to persons riding in the load-carrying space of trucks. (1973 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. (1973 Code, § 9-122)

**15-117. Projections from the rear of vehicles.** Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, the operator shall display at the end of such load or projection, in such position as to be clearly visible from the rear of such vehicle, a red flag being not less than twelve (12) inches square. Between one-half ( $\frac{1}{2}$ ) hour after sunset and one-half ( $\frac{1}{2}$ ) hour before sunrise there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle. (1973 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. (1973 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." (1973 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. (1973 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. (1973 Code, § 9-119)

**15-122. Bicycle riders, etc.** Every person riding or operating a bicycle, motorcycle, or motor scooter shall be subject to the provisions of all traffic ordinances, rules, and regulations of the city applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, or motor scooters.

No person operating or riding a bicycle, motorcycle, or motor scooter shall ride other than upon or astride the permanent and regular seat attached thereto, nor shall the operator carry any other person upon such vehicle other than upon a firmly attached and regular seat thereon.

No bicycle, motorcycle, or motor scooter shall be used to carry more persons at one time than the number for which it is designed and equipped.

No person operating a bicycle, motorcycle, or motor scooter shall carry any package, bundle, or article which prevents the rider from keeping both hands upon the handlebars.

No person under the age of sixteen (16) years shall operate any motorcycle, motorbike, or motor scooter while any other person is a passenger upon said motor vehicle.

No person shall operate or ride upon any motorcycle, motorbike, or motor scooter unless such person is equipped with and wearing on the head a safety helmet with a secured chin strap and suspension lining, which said helmet shall conform to the type and design manufactured for the use of the operators and riders of such motor vehicles. (1973 Code, § 9-127)

## 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. (1973 Code, § 9-102)

**15-202. Operation of authorized emergency vehicles.**<sup>1</sup> (1) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, subject to the conditions herein stated.

(2) The driver of an authorized emergency vehicle may park or stand, irrespective of the provisions of this title; proceed past a red or stop signal or stop sign, but only after slowing down to ascertain that the intersection is clear; exceed the maximum speed limit and disregard regulations governing direction of movement or turning in specified directions so long as he does not endanger life or property.

(3) The exemptions herein granted for an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle and when the vehicle is equipped with at least one (1) lighted lamp displaying a red 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. (1973 Code, § 9-103)

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<sup>1</sup>Municipal code reference

Operation of other vehicle upon the approach of emergency vehicles:  
§ 15-501.

**15-203. Following emergency vehicles.** No driver of any vehicle shall follow any authorized emergency vehicle apparently travelling in response to an emergency call closer than five hundred (500) feet or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1973 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. (1973 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.

15-305. Highway 64 East.

15-306. Highway 99 East.

**15-301. In general.** No person shall drive or operate a motor vehicle on any street, road, or alley within the corporate limits of the City of Waynesboro at a rate of speed in excess of thirty (30) miles per hour, unless otherwise posted. (1973 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. (1973 Code, § 9-202)

**15-303. In school zones and near playgrounds.** No person shall drive or operate a motor vehicle at a speed in excess of fifteen (15) miles per hour while passing a school zone or while traveling upon any public thoroughfare on or across which children pass going to and from school during school days when school children are present. (1973 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. (1973 Code, § 9-204)

**15-305. Highway 64 East.** No person shall drive or operate a vehicle in excess of thirty (30) miles per hour, commencing at the East end of the Green River city bridge to a point and property line of Larry Staggs and Lonnie Gallaher, Jr., said property being on the North side of U. S. Highway 64, East of the hospital curve, and directly opposite a lot and property owned by M. T. Steele, Jr., and Earl Copous. From said point East to the Barlow intersection shall remain at 40 miles per hour. (Ord. #637, May 1979, as amended by Ord. #662, Oct. 1987)

**15-306. Highway 99 East.** No person shall drive or operate a motor vehicle in excess of thirty (30) miles per hour commencing at the intersection of Barlow, State Route 99, Old Highway 64 East, with the intersection of the New Highway 64 East, to the city limits. (Ord. #662, Oct. 1987)

## 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.<sup>1</sup> (1973 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. (1973 Code, § 9-302)

**15-403. Left turns on two-way roadways.** At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center lines of the two roadways. (1973 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. (1973 Code, § 9-304)

**15-405. U-turns.** U-turns are prohibited. (1973 Code, § 9-305)

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 55-8-143.

## CHAPTER 5

### STOPPING AND YIELDING

#### SECTION

- 15-501. Upon approach of authorized emergency vehicles.
- 15-502. When emerging from alleys, etc.
- 15-503. To prevent obstructing an intersection.
- 15-504. At railroad crossings.
- 15-505. At "stop" signs.
- 15-506. At "yield" signs.
- 15-507. At traffic-control signals generally.
- 15-508. At flashing traffic-control signals.
- 15-509. At pedestrian-control signals.
- 15-510. Stops to be signaled.

**15-501. Upon approach of authorized emergency vehicles.**<sup>1</sup> Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge of curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (1973 Code, § 9-401)

**15-502. When emerging from alleys, etc.** The drivers of all vehicles emerging from alleys, parking lots, driveways, or buildings shall stop such vehicles immediately prior to driving onto any sidewalk or street. They shall not proceed to drive onto the sidewalk or street until they can safely do so without colliding or interfering with approaching pedestrians or vehicles. (1973 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. (1973 Code, § 9-403)

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<sup>1</sup>Municipal code reference

Special privileges of emergency vehicles: title 15, chapter 2.

**15-504. At railroad crossings.** Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen (15) feet from the nearest rail of such railroad and shall not proceed further while any of the following conditions exist:

- (1) A clearly visible electrical or mechanical signal device gives warning of the approach of a railroad train.
- (2) A crossing gate is lowered or a human flagman signals the approach of a railroad train.
- (3) A railroad train is approaching within approximately fifteen hundred (1500) feet of the highway crossing and is emitting an audible signal indicating its approach.
- (4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing. (1973 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. (1973 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. (1973 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. (1973 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 by 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. (1973 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. (1973 Code, § 9-409)

**15-510. Stops to be signaled.** No person operating a motor vehicle shall stop such vehicle whether in obedience to a traffic sign or signal or otherwise, without first signaling his intention in accordance with the requirements of the state law,<sup>1</sup> except in an emergency. (1973 Code, § 9-410)

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<sup>1</sup>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. Unlawful to occupy more than one parking meter space.
- 15-607. Presumption with respect to illegal parking.

**15-601. Generally.** No person shall leave any motor vehicle unattended on any street without first setting the brakes thereon, stopping the motor, removing the ignition key, and turning the front wheels of such vehicle toward the nearest curb or gutter of the street.

Except as hereinafter provided, every vehicle parked upon a street within this municipality shall be so parked that its right wheels are approximately parallel to and within eighteen (18) inches of the right edge or curb of the street. On one-way streets where the municipality has not placed signs prohibiting the same, vehicles may be permitted to park on the left side of the street and in such cases the left wheels shall be required to be within eighteen (18) inches of the left edge or curb of the street.

Notwithstanding anything else in this code to the contrary, no person shall park or leave a vehicle parked on any public street or alley within the fire limits between the hours of 1:00 A.M. and 5:00 A.M. or on any other public street or alley for more than seventy-two (72) consecutive hours without the prior approval of the chief of police.

Furthermore, no person shall wash, grease, or work on any vehicle, except to make repairs necessitated by an emergency, while such vehicle is parked on a public street. (1973 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. No person shall angle park any truck with utility beds of a length in excess of ten (10) feet in the public square. (1973 Code, § 9-502, as amended by Ord. #630, March 1987)

**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. (1973 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.
- (1973 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. (1973 Code, § 9-505)

**15-606. Unlawful to occupy more than one parking meter space.** It shall be unlawful for the owner or operator of any vehicle to park or allow his vehicle to be parked across any line or marking designating a parking space or otherwise so that such vehicle is not entirely within the designated parking space; provided, however, that vehicles which are too large to park within one space may be permitted to occupy two adjoining spaces. (1973 Code, § 9-509, as amended by Ord. #629, March 1977)

**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. (1973 Code, § 9-512)

## 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. Deposit of driver's license in lieu of bail.
- 15-706. Violation and penalty.

**15-701. Issuance of traffic citations.**<sup>1</sup> When a police officer halts a traffic violator other than for the purpose of giving a warning, and does not take such person into custody under arrest, he shall take the name, address, and operator's license number of said person, the license number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him a written traffic citation containing a notice to answer to the charge against him in the city court at a specified time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody. It shall be unlawful for any alleged violator to give false or misleading information as to his name or address. (1973 Code, § 9-601)

**15-702. Failure to obey citation.** It shall be unlawful for any person to violate his written promise to appear in court after giving said promise to an officer upon the issuance of a traffic citation, regardless of the disposition of the charge for which the citation was originally issued. (1973 Code, § 9-602)

**15-703. Illegal parking.** Members of the police department are directed to issue parking citations to persons violating parking regulations in the City of Waynesboro. Such notice may be executed by service upon the violator personally or by affixing such citation to the offending vehicle. The citation shall direct the violator to present said citation at a designated place on or before the fixed date and hour shown thereon. The issuance of a citation in lieu of arrest for violation of the aforesaid parking regulations is a matter of discretion with the officer.

All citations issued for illegal parking shall contain the license number, the make of the offending vehicle, the specific type of violation, and the direction to the violator to answer the charge specified therein at the time and place

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 7-63-101, et seq.

designated within forty-eight (48) hours. All duplicate citations shall be filed with the recorder. (1973 Code, § 9-603, as amended by Ord. #629, March 1977, modified)

**15-704. Impoundment of vehicles.** Members of the police department may impound any motor vehicle illegally parked on any street, alley, or thoroughfare within the City of Waynesboro which has been parked more than twenty-two (22) hours in excess of the time lawfully permitted, or in any case where the improperly parked vehicle has two (2) previous violations which have not been satisfied. Any person having a lawful right to possession of an impounded vehicle may redeem such vehicle by paying all fines assessed for violation or violations against it together with any impoundment costs. (1973 Code, § 9-604, as amended by Ord. #629, March 1977)

**15-705. Deposit of driver's license in lieu of bail.** Pursuant to Tennessee Code Annotated, §§ 55-50-801 through 55-50-805 whenever any person lawfully possessed of a chauffeur's or operator's license heretofore issued to him by the Department of Safety, State of Tennessee, or by any other Department of Safety of any of the states of the United States, is issued a citation or arrested and charged with a violation of any municipal ordinance regulating traffic, except driving under the influence of an intoxicant or narcotic drug, or leaving the scene of an accident; said person shall have the option of depositing his chauffeur's or operator's license with the officer or court demanding bail, in lieu of any other security required for his appearance in the city court in answer to any such charge before said court.

All city officers and employees shall comply fully with the requirements of Tennessee Code Annotated, §§ 55-50-801 through 55-50-805 and any implementing order of the Department of Safety, State of Tennessee. (Ord. #641, April 1980)

**15-706. Violation and penalty.** Any violation of this title shall be a civil offense punishable as follows: (1) Traffic citations. Traffic citations and parking violations other than parking meter and handicapped parking violations 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 forty-eight (48) hours, have the charge against him disposed of by paying to the city recorder a fine of two dollars (\$2.00). If no payment is received within forty-eight (48) hours, a complaint and warrant for the owner of the vehicle shall be issued and the fine shall be assessed by the municipal court in accordance with § 15-706(1).

(b) Handicapped parking. Parking in a handicapped parking space shall be punished by a civil penalty of one hundred dollars (\$100.00).

## TITLE 16

### STREETS AND SIDEWALKS, ETC<sup>1</sup>

#### CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. NUMBERING SYSTEM FOR BUILDINGS AND PROPERTIES.

#### 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.
- 16-113. Fires in streets, etc.

**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. (1973 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. (1973 Code, § 12-202)

**16-103. Trees, etc., obstructing view at intersections prohibited.** It shall be unlawful for any property owner or occupant to have or maintain on

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<sup>1</sup>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. (1973 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.<sup>1</sup> (1973 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. (1973 Code, § 12-205)

**16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.** It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by statute. (1973 Code, § 12-206)

**16-107. Littering streets, alleys, or sidewalks prohibited.** It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1973 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. (1973 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. (1973 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 city manager. No permit shall be issued by the city

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<sup>1</sup>Municipal code reference  
Building code: title 12, chapter 1.

manager unless such activity will not unreasonably interfere with traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to immediately clean up the resulting litter. (1973 Code, § 12-210)

**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. (1973 Code, § 12-211, modified)

**16-112. Animals and vehicles on sidewalks.** It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as to unreasonably interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person to knowingly allow any minor under his control to violate this section. (1973 Code, § 12-212)

**16-113. Fires in streets, etc.** It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (1973 Code, § 12-213)

## CHAPTER 2

### EXCAVATIONS AND CUTS<sup>1</sup>

#### SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fees.
- 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 city manager is open for business and said permit shall be retroactive to the date when the work was begun. (1973 Code, § 12-101)

**16-202. Applications.** Applications for such permits shall be made to the city manager or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and

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<sup>1</sup>State law reference

This chapter was patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the case of City of Paris, Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 388, 340 S.W.2d 885 (1960).

laws relating to the work to be done. Such application shall be rejected or approved by the city manager within twenty-four (24) hours of its filing. (1973 Code, § 12-102)

**16-203. Fees.** The fee for such permits shall be two dollars (\$2.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five (25) feet in length; and twenty-five cents (\$.25) for each additional square foot in the case of excavations, or lineal foot in the case of tunnels; but not to exceed one hundred dollars (\$100.00) for any permit. (1973 Code, § 12-103)

**16-204. Deposit or bond.** No such permit shall be issued unless and until the applicant therefor has deposited with the recorder a cash deposit. The deposit shall be in the sum of twenty-five dollars (\$25.00) if no pavement is involved or seventy-five dollars (\$75.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and, laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration the city manager 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 recorder a surety bond in such form and amount as the city manager shall deem adequate to cover the costs to the municipality if the applicant fails to make proper restoration. (1973 Code, § 12-104)

**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. (1973 Code, § 12-105)

**16-206. Restoration of streets, etc.** Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this municipality shall restore said street, alley, or public place to its original condition except for the surfacing, which shall be done by the municipality, but shall be paid for by such person, firm, corporation, association, or others promptly upon the completion of the work for which the

excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the city manager shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the municipality will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the municipality, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel. (1973 Code, § 12-106)

**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 city manager in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than \$100,000 for each person and \$300,000 for each accident, and for property damages not less than \$25,000 for any one (1) accident, and a \$75,000 aggregate. (1973 Code, § 12-107)

**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 city manager. (1973 Code, § 12-108)

**16-209. Supervision.** The city manager 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 and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (1973 Code, § 12-109)

**16-210. Driveway curb cuts.** No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the city

manager. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic. No driveway shall exceed thirty-five (35) feet in width at its outer or street edge and when two (2) or more adjoining driveways are provided for the same property a safety island of not less than ten (10) feet in width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street. (1973 Code, § 12-110)

## CHAPTER 3

### NUMBERING SYSTEM FOR BUILDINGS AND PROPERTIES

#### SECTION

16-301. Uniform numbering system.

16-302. Assignment of numbers.

16-303. Administration.

16-304. Penalties.

**16-301. Uniform numbering system.** A uniform system of numbering properties and principal buildings as shown on the map identified by the title Waynesboro Street Numbering System which is filed in the office of the city recorder, is hereby adopted for use in the City of Waynesboro, Tennessee. This map and all explanatory matter thereon, is hereby adopted and made a part of this chapter. (Ord. #634, Sept. 1977)

**16-302. Assignment of numbers.** (1) All properties or parcels of land within the corporate limits of Waynesboro, Tennessee shall hereafter be identified by reference to the uniform numbering system adopted herein, provided; all existing numbers of property and buildings not now in conformity with provisions of this chapter shall be changed to conform to the system herein adopted within six months from the date of passage of this chapter.

(2) A separate number shall be assigned for each 20 or 50 feet of frontage.

(3) Each principal building shall bear the number assigned to the frontage on which the front entrance is located. In case a principal building is occupied by more than one business or family dwelling unit, each separate front entrance of such principal building shall bear a separate number.

(4) Numerals indicating the official numbers for each principal building or each front entrance to such building or each front entrance to such building shall be posted in a manner as to be visible from the street on which the property is located. Such numerals may be obtained from the city recorder, as provided in § 16-303. (Ord. #634, Sept. 1977)

**16-303. Administration.** (1) The city recorder shall be responsible for maintaining the numbering system. In the performance of this responsibility he or she shall be guided by the provisions of § 16-302.

(2) The recorder shall keep a record of all numbers assigned under this chapter.

(3) The city recorder shall issue to any property owner in Waynesboro upon request a set of numerals for each principal building or separate front entrance to such building. In doing so, he shall issue only numerals for the number assigned to each building under the provisions of this chapter.

Provided, however, that the recorder may issue additional numerals in accord with the official numbering system whenever a property has been subdivided, a new front entrance opened, or undue hardship has been worked on any property owner. (Ord. #634, Sept. 1977)

**16-304. Penalties.** Violation of this chapter shall be a misdemeanor and may be punished by a fine of \$1.00 to \$5.00. Each separate day such violation is continued shall constitute a separate offense. (Ord. #634, Sept. 1977)

## TITLE 17

### REFUSE AND TRASH DISPOSAL<sup>1</sup>

#### CHAPTER

#### 1. REFUSE.

#### CHAPTER 1

#### REFUSE

#### SECTION

- 17-101. Garbage and refuse collection.
- 17-102. Customer classifications.
- 17-103. Monthly rates and collection rates.
- 17-104. Collection service standards.
- 17-105. Removal or collection by unauthorized individuals.
- 17-106. Unauthorized use of bin/container.
- 17-107. Collection of non-resident refuse/garbage.
- 17-108. Movement of refuse from one premises to another.
- 17-109. Establishment of collection routes and days.
- 17-110. Collection during specific holidays.
- 17-111. Hours and days of collection.
- 17-112. Violation and penalty.

**17-101. Garbage and refuse collection.** The City of Waynesboro, Tennessee, shall hereafter provide to its residents a service of garbage/refuse collection. All individuals, firms, or corporations located within the City Limits of Waynesboro shall be required to make use of such service. (Ord. #674, Dec. 1992)

**17-102. Customer classifications.** The following definitions shall apply to the type of service to be provided to the residents of Waynesboro. Such definitions of customer service shall additionally determine the fee structure applicable to each firm, individual, or corporation. The following definitions are provided:

(1) "Residential unit." A standard detached or attached single family dwelling unit located within the corporate limits of the City of Waynesboro. Such unit is occupied by a family or group of individuals not to exceed twelve in number. Apartments, mobile homes, or condominiums whether of single or

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<sup>1</sup>Municipal code reference

Property maintenance regulations: title 13.

multi story construction, consisting of twenty-four or less contiguous or separate units shall be considered for billing purposes as single dwelling units and billed accordingly. Residential dwelling units shall be limited to a maximum weekly volume of five (5), thirty (30) gallon bags or equivalent per unit for collection purposes.

(2) "Singular person residential." The same definition of a "residential" dwelling unit defined above except that such unit shall house only one occupant. Individuals declaring such status shall be required to sign and file necessary documentation for status certification declared necessary by the City of Waynesboro. Singular person residential dwelling units shall be limited to a maximum weekly volume of two (2), thirty (30) gallon bags or equivalent per unit for collection purposes.

(3) "Small business." Retail, service, professional, industrial and commercial establishments located within the corporate limits of the City of Waynesboro generating no more than an equivalent of ten (10), thirty (30) gallon bags of garbage/refuse per week. Such customers may elect to have bin/container collection solely at their discretion and cost.

(4) "Bin/container collection." Any retail, service, professional, industrial and commercial establishment located within the corporate limits of the City of Waynesboro generating an equivalent of more than ten (10), thirty (30) gallon bags of refuse/garbage per week shall be required to be collected through the use of bins/containers. Monthly fees for service shall be based upon a standardized rate system that depends upon the weekly volume of refuse collected, the frequency of collection and the number of bins/containers needed to service the customer. (Ord. #674, Dec. 1992)

**17-103. Monthly rates and collection rates.** (1) The schedule of rates and charges shall be established by resolution of the city commission.

(2) **Method of charging and billing fees.** All refuse/garbage collection and disposal charges shall be billed through the city's present water and sewer billing department. The collection shall be due and payable on the same date as the water and/or sewer billings are due. The fees fixed under the terms and provisions of this chapter shall be directed to the property owner, occupant or lessee of the premises. Water service may be discontinued for failure to pay the collection service fee. Any person making application for water service shall be deemed to have applied for refuse/garbage collection service and shall be considered a customer of the refuse/garbage collection service until such times as water service to such individual has been discontinued. (Ord. #674, Dec. 1992, modified)

**17-104. Collection service standards.** (1) **Residential, singular person residential and small business.** (a) **Mandatory bag required.** All trash, rubbish, grass, yard clippings, refuse or garbage shall be placed and enclosed in a fastened plastic garbage bag or trash bag as commonly

sold in retail stores. All bags shall be of a size of less than thirty (30) gallons or equivalent and so loaded as to prevent the bag from bursting. The contents of all bags shall be so protected in a manner that will prevent wind from blowing and scattering trash over adjacent public and private property and will prevent animal intrusion.

(b) Collection of tree limbs, bulky objects, white goods, etc. The collection of tree trimmings, appliances, furniture and bulky objects shall occur during the days established for residential refuse collection. Tree trimmings, loose materials and other such materials must be bagged, bundled or placed in a disposable container in lots not to exceed thirty (30) pounds in weight and not to exceed four (4) feet in length.

(c) Mandatory curbside collection required. Each receptacle, bag, bundle or object for collection shall be placed at the curbside for collection. Curbside refers to that portion of right of way adjacent to paved or traveled city roadways. Such items shall be placed as close to the roadway as practical without interfering with or endangering the movement of vehicles or pedestrians. The City of Waynesboro acting through its official representatives shall make the final determination of the point of collection.

(2) Bin/container collection. (a) Individual agreement with each customer. The City of Waynesboro shall provide a bin/container collection system for non residential customers generating an equivalent of more than ten (10), thirty (30) gallon bags of refuse per week. The city shall contract with each customer in an attempt to provide adequate services. The city reserves the right to increase the number of containers and/or the frequency of collection for the individual customer in order to protect the health, safety and welfare of the citizens of the community and to bill the customer for such changes in services accordingly.

(b) Waste not contained in dumpster/bin. All refuse/garbage generated by the customer must be contained in the bin/container provided by the city. The City of Waynesboro shall not assume any responsibility for the collection and disposal of any waste, refuse or garbage not placed in bin/container.

(c) Location of bin/containers. Bins/containers shall be placed so that they are readily accessible in all weather conditions at the outside location, on a hard surface in accordance with the individual customer's agreement. The city may refuse to collect bins/containers not so placed. The customer shall be responsible for properly maintaining the drive or accessway required to access the bin/containers.

(3) Wastes generated by contractor for hire. Waste and refuse generated by contractors for hire, including but not limited to: construction, remodeling, repair, tree trimming, tree removal, debris removal, razing, land clearing, roofing, appliance repair and installation, will not be collected in accordance with the provisions of this chapter. Disposal of

wastes/garbage/refuse generated by a contractor for hire will be collected only at a pre-negotiated rate with the city or at the individual responsibility of the contractor. Contractors shall be fully and legally responsible for any refuse, garbage, or waste not collected and disposed of by the City of Waynesboro. (Ord. #674, Dec. 1992)

**17-105. Removal or collection by unauthorized individuals.** The removal of refuse/garbage by any individual, firm, or corporation, except as specified in § 17-104, other than the City of Waynesboro, or its authorized agents is strictly prohibited. (Ord. #674, Dec. 1992)

**17-106. Unauthorized use of bin/container.** The placement of refuse/garbage in a collection bin/container without the express permission of the contracted customer is prohibited. (Ord. #674, Dec. 1992)

**17-107. Collection of non-resident refuse/garbage.** The placement for collection of any non-resident refuse/garbage within the City of Waynesboro, is prohibited. (Ord. #674, Dec. 1992)

**17-108. Movement of refuse from one premises to another.** The relocation or movement of refuse from one premises to another premises for collection purposes is prohibited. (Ord. #674, Dec. 1992)

**17-109. Establishment of collection routes and days.** The City of Waynesboro shall establish routes and days for collection services. The city shall inform the general public of any changes in collection routes and/or days through a notice published in a newspaper of local circulation. Such notice shall be published a minimum of ten days before the implementation of proposed change. (Ord. #674, Dec. 1992)

**17-110. Collection during specific holidays.** Refuse/garbage collection will not be performed on the established holidays. Routes not collected on these holidays will be rescheduled for collection either immediately before or after the respective holiday. Customers shall be informed of collection change resulting from the observation of a holiday by newspaper notice. (Ord. #674, Dec. 1992)

**17-111. Hours and days of collection.** Refuse/garbage collection will not commence before the hour of 7:00 A.M. nor continue after 6:00 P.M., Monday through Saturday. (Ord. #674, Dec. 1992)

**17-112. Violation and penalty.** Any person, firm or corporation failing to meet or violating the provisions of this chapter shall be guilty of a misdemeanor and shall be fined a sum of not less than \$5.00 nor more than

\$50.00 and each day of violation shall constitute a separate offense. (Ord. #674, Dec. 1992)

**TITLE 18****WATER AND SEWERS<sup>1</sup>****CHAPTER**

1. WATER.
2. SEWERS.
3. SEWAGE AND HUMAN EXCRETA DISPOSAL.
4. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.

**CHAPTER 1****WATER****SECTION**

- 18-101. Application and scope.
- 18-102. Definitions.
- 18-103. Obtaining service.
- 18-104. Application and contract for service.
- 18-105. Service charges for temporary service.
- 18-106. Connection charges.
- 18-107. Main extensions.
- 18-108. Main extensions to other areas.
- 18-109. Variances from and effect of preceding rules as to extensions.
- 18-110. Meters.
- 18-111. Meter tests.
- 18-112. Multiple services through a single meter.
- 18-113. Billing.
- 18-114. Discontinuance or refusal of service.
- 18-115. Re-connection charge.
- 18-116. Termination of service by customer.
- 18-117. Access to customers' premises.
- 18-118. Inspections.
- 18-119. Customer's responsibility for system's property.
- 18-120. Customer's responsibility for violations.
- 18-121. Supply and resale of water.
- 18-122. Unauthorized use of or interference with water supply.
- 18-123. Limited use of unmetered private fire line.
- 18-124. Damages to property due to water pressure.

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<sup>1</sup>Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

- 18-125. Liability for cutoff failures.
- 18-126. Restricted use of water.
- 18-127. Interruption of service.
- 18-128. Schedule of rates.

**18-101. Application and scope.** These rules and regulations are a part of all contracts for receiving water service from the municipality and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. (1973 Code, § 13-101)

**18-102. Definitions.** (1) "Customer" means any person, firm, or corporation who receives water service from the municipality under either an express or implied contract.

(2) "Household" means any two (2) or more persons living together as a family group.

(3) "Service line" shall consist of the pipe line extending from any water main of the municipality to private property. Where a meter and meter box are located on private property, the service line shall be construed to include the pipe line extending from the municipality's water main to and including the meter and meter box.

(4) "Discount date" shall mean the date ten (10) days after the date of a bill, except when some other date is provided by contract. The discount date is the last date upon which water bills can be paid at net rates.

(5) "Dwelling" means any single structure, with auxiliary buildings, occupied by one or more persons or households for residential purposes.

(6) "Premise" means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premise" shall not include more than one (1) dwelling. (1973 Code, § 13-102)

**18-103. Obtaining service.** A formal application together with a security deposit of ten dollars (\$10.00) for each home owner consumer and twenty dollars (\$20.00) security deposit for non-home owner consumers shall be placed with the city recorder before water connection and meter installation orders will be issued. (1973 Code, § 13-103)

**18-104. Application and contract for service.** Each prospective customer desiring water service will be required to sign a standard form contract before service is supplied. If, for any reason, a customer, after signing a contract for service, does not take such service by reason of not occupying the premises or otherwise, he shall reimburse the municipality for the expense incurred by reason of its endeavor to furnish said service.

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a deposit, shall not obligate the municipality to render the service applied for. If the service applied for cannot be supplied

in accordance with these rules, regulations, and general practice, the liability of the municipality to the applicant for such service shall be limited to the return of any deposit made by such applicant. (1973 Code, § 13-104)

**18-105. Service charges for temporary service.** Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water used. (1973 Code, § 13-105)

**18-106. Connection charges.** The following are water service connection charges inside the corporate limits of the city:

Three quarter (3/4) inch connection including not over thirty (30) feet of pipe or property line . . . . .	\$250.00
One (1) inch connection including not over thirty (30) feet of pipe or property line . . . . .	\$312.50
One and one half (1-1/2) inches connection including not over thirty (30) feet of pipe or property line . . . . .	\$500.00
Two (2) inches connection including not over thirty (30) feet of pipe or property line . . . . .	\$875.00

The water service connection charge beyond the corporate limits of the city is the inside connection rate schedule plus two hundred fifty dollars (\$250.00) plus boring costs, (if necessary) at the then prevailing rate.

For all services requiring pipe in excess of two (2) inches in diameter, the connection charge shall be based on the actual cost of the installation.

When a service line is completed, the municipality shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box, and such portion of the service line shall belong to the municipality. The remaining portion of the service line beyond the meter box shall belong to and be the responsibility of the customer. (1973 Code, § 13-106, as amended by Ord. #628, Jan. 1977; Ord. #652, July 1984; Ord. #653, July 1984; Ord. #656, July 1984; and Ord. #714, Feb. 1998)

**18-107. Main extensions.** The policy of the City of Waynesboro with reference to the extension of trunk mains for water services within and without the corporate limits of the City of Waynesboro is hereby declared to be as follows:

A trunk main is defined to be a water main of at least six (6) inches in diameter and extending along a public street and/or right of way, abutted by more than one parcel of real property and owned by more than one person, firm, or corporation.

If funds are available, the city's policy for extending a six (6) inch water main shall be to extend said water main along said public street or right of way

for a distance of seventy-five (75) feet at the expense of the city, for the benefit of each consumer applying for water service extending beyond seventy-five (75) feet such extension will be made at the consumer's expense, and any person or persons making application for water service of seventy-five (75) feet extension or more shall first deposit with the city recorder of the City of Waynesboro an amount of money, to be equally divided among them, equal to the estimated cost of the extension beyond seventy-five (75) feet; provided that after completion of the extension, any excess deposit shall be refunded, or any balance due shall be paid by the consumer or consumers.

All extensions beyond seventy-five (75) feet per consumer shall be at the expense of the applicant except for mains larger than six (6) inches in diameter. When the city requires a main larger than six (6) inches in diameter to be installed for future extension for the improvement of the city's system, the city will pay the difference between the cost of the six (6) inch main and the cost of the main which is installed, and which has a diameter of more than six (6) inches.

The size of the main to be installed shall be exclusively within the discretion of the city.

Annually, as of January 1st of each year, for the first five (5) years after the completion of such extensions, the city will ascertain the number of additional consumers who have been connected to such main during the previous twelve (12) months period and shall, within ninety (90) days thereafter, make reimbursement to the original applicant or applicants of an amount equal to the cost of seventy-five (75) feet of such extension for each additional consumer. No reimbursement shall be made for additional consumers connected to such main after such five (5) year period, and in no event shall the total amount of reimbursement exceed the amount paid as a contribution on the construction cost.

Temporary connections to said extensions will not be considered as consumers in connection with this section.

In the event the City of Waynesboro desires fire hydrants to be installed along an extended main, the cost of such installation shall be borne by the city.

The city may connect a main to, or extend a main from, any other main which has previously been installed in accordance with the above terms without obligation to the applicant of said previously installed main. Connections for such extensions will not be considered as being a consumer connection as applicable under the provisions of this section.

No application for the extension of water mains will be considered until all meter connection charges and deposits then in existence have been paid to the city by each consumer to be connected immediately on completion of construction.

Provided, however, that in cases where it will be necessary to cross under highways, or other unusual conditions exist, the seventy-five (75) foot extension by the city shall not apply and said crossing or tunneling under said highway

shall be within the discretion of the city, and in any event, the consumer or consumers shall bear the cost of same. (1973 Code, § 13-107)

**18-108. Main extensions to other areas.** Any applicant desiring to have water and/or sewerage service made available to a particular area or subdivision and/or to be served by the water and sewerage system of the City of Waynesboro, shall:

(1) At his own expense prepare detailed plans and specifications of the distribution system in conformance with the regulations of the City of Waynesboro.

(2) Secure the approval of the plans and specifications from the planning commission or the mayor and city commission.

(3) Secure bids from competent and reliable contractors for the furnishing of materials, labor, and service therefor.

(4) At his own expense, construct the distribution system in accordance with the specifications in a good and workmanlike manner and furnish all materials, labor and service therefor.

(5) Furnish to the city, evidence that all bills and charges for labor and materials and other services used in the construction have been paid.

(6) Transfer and convey by written instrument, as required by the city, the distribution system, when completed to the city, free from all liens of every kind.

(7) Make no tapping or connection charge to the city or any person taking service from the system.

If the entire cost of construction and installation of such system is approved by the city, and if it is conveyed and transferred to the city free from all liens and encumbrances and if the applicant keeps and performs his agreements and undertakings as set forth above,

(a) The city will permit the system to be connected onto the city's distribution system and will furnish water and/or sewerage service to each customer within the area or subdivision after the installation of a city-owned water meter for each service.

(b) The city will charge for water and/or sewerage service at the rates currently being charged other customers in similar locations.

(c) Annually, as of January first of each year, for the first five (5) years after the completion of such extension, the city will determine the gross amount of revenue collected from such extension during the previous twelve-month period and shall within ninety (90) days thereafter, make reimbursements to the installer of an amount equal to fifty per cent (50%) of such gross revenue. No reimbursement shall be made after such five (5) year period, and in no event shall the total amount of reimbursement exceed fifty per cent (50%) of the installer's gross investment for such extensions.

Temporary connections to said extensions will not be considered as consumers in connection with this section. (1973 Code, § 13-108)

**18-109. Variances from and effect of preceding rules as to extensions.** Whenever the governing body is of the opinion that it is to the best interest of the water system to construct a water main extension without requiring strict compliance with §§ 18-107 and 18-108, such extension may be constructed upon such terms and conditions as shall be approved by a majority of the members of the governing body.

The authority to make water main extensions under §§ 18-107 and 18-108 is permissive only and nothing contained therein shall be construed as requiring the municipality to make water main extensions or to furnish service to any person or persons. (1973 Code, § 13-109)

**18-110. Meters.** All meters shall be installed, tested, repaired, and removed only by the municipality.

No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a water meter without the written permission of the municipality. No one shall install any pipe or other device which will cause water to pass through or around a meter without the passage of such water being registered fully by the meter. (1973 Code, § 13-110)

**18-111. Meter tests.** The municipality will, at its own expense, make routine tests of meters when it considers such tests desirable.

In testing meters, the water passing through a meter will be weighed or measured at various rates of discharge and under varying pressures. To be considered accurate, the meter registration shall check with the weighed or measured amounts of water within the percentage shown in the following table:

<u>Meter Size</u>	<u>Percentage</u>
5/8", 3/4", 1", 2"	2%
3"	3%
4"	4%
6"	5%

The municipality will also make tests or inspections of its meters at the request of the customer. However, if a test requested by a customer shows a meter to be accurate within the limits stated above, the customer shall pay a meter testing charge in the amount stated in the following table:

<u>Meter Size</u>	<u>Test Charge</u>
5/8", 3/4", 1"	\$2.00
1-1/2", 2"	5.00
3"	8.00

4"	12.00
6" and over	20.00

If such test show a meter not to be accurate within such limits, the cost of such meter test shall be borne by the municipality. (1973 Code, § 13-111)

**18-112. Multiple services through a single meter.** No customer shall supply water service to more than one dwelling or premise from a single service line and meter without first obtaining the written permission of the municipality.

Where the municipality allows more than one dwelling or premise to be served through a single service line and meter, the amount of water used by all the dwellings and premises served through a single service line and meter shall be allocated to each separate dwelling or premise served. The water and charges for each such dwelling or premise thus served shall be computed just as if each such dwelling or premise had received through a separately metered service the amount of water so allocated to it, such computation to be made at the municipality's applicable water rates schedule, including the provisions as to minimum bills. The separate charges for each dwelling or premise served through a single service line and meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied. (1973 Code, § 13-113)

**18-113. Billing.** Bills for residential service will be rendered monthly, shall be itemized and contain both water and sewer charges.

Bills for commercial and industrial service may be rendered weekly, semimonthly, or monthly, at the option of the municipality, and contain itemized water and sewer charges.

Water bills must be paid on or before the discount date shown thereon to obtain the net rate, otherwise the gross rate shall apply. Failure to receive a bill will not release a customer from payment obligation, nor extend the discount date.

In the event a bill is not paid on or before five (5) days after the discount date, a written notice shall be mailed to the customer that his service may be discontinued without further notice if the bill is not paid on or before ten (10) days after the discount date. The municipality shall not be liable for any damages resulting from discontinuing service under the provisions of this section, even though payment of the bill is made at any time on the day that service is actually discontinued.

Should the final date of payment of bill at the net rate fall on Sunday or a holiday, the business day next following the final date will be the last day to obtain the net rate. A net remittance received by mail after the time limit for payment at the net rate will be accepted by the municipality if the envelope is date-stamped on or before the final date for payment of the net amount.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if water is received other than through a meter, the municipality reserves the right to render an estimated bill based on the best information available. (1973 Code, § 13-114)

**18-114. Discontinuance or refusal of service.** The city manager shall have the right to discontinue service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

- (1) These rules and regulations.
- (2) The customer's application for service.
- (3) The customer's contract for service.

Such right to discontinue service shall apply to all service received through a single connection or service, even though more than one (1) customer or tenant is furnished service therefrom, and even though the delinquency or violation is limited to only one such customer or tenant.

Discontinuance of service by the municipality for any cause stated in these rules and regulations shall not release the customer from liability for service already received or from liability for payments that thereafter become due under other provisions of the customer's contract. (1973 Code, § 13-115)

**18-115. Re-connection charge.** Whenever service has been discontinued as provided for above, a re-connection charge of ten dollars (\$10.00) shall be collected by the municipality before service is restored. (1973 Code, § 13-116, as amended by Ord. #696, March 1996)

**18-116. Termination of service by customer.** Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

When service is being furnished to an occupant of premises under a contract not in the occupant's name, the municipality reserves the right to impose the following conditions on the right of the customer to discontinue service under such a contract:

- (1) Written notice of the customer's desire for such service to be discontinued may be required; and the municipality shall have the right to continue such service for a period of not to exceed ten (10) days after receipt of such written notice, during which time the customer shall be responsible for all charges for such service. If the municipality should continue service after such ten (10) day period subsequent to the receipt of the customer's written notice to discontinue service, the customer shall not be responsible for charges for any service furnished after the expiration of the ten (10) day period.

(2) During the ten (10) day period, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant, may be allowed by the municipality to enter into a contract for service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service. (1973 Code, § 13-117)

**18-117. Access to customers' premises.** The city manager or an employee designated by him shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the municipality, and for inspecting customers' plumbing and premises generally in order to secure compliance with these rules and regulations. (1973 Code, § 13-118)

**18-118. Inspections.** The city manager shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water service is furnished or at any later time. The municipality reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by municipal ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the municipality.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the municipality liable or responsible for any loss or damage which might have been avoided, had such inspection or rejection been made. (1973 Code, § 13-119)

**18-119. Customer's responsibility for system's property.** Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the municipality shall be and remain the property of the municipality. Each customer shall provide space for and exercise proper care to protect the property of the municipality on his premises. In the event of loss or damage to such property, arising from the neglect of a customer to care for it properly care for same, the cost of necessary repairs or replacements shall be paid by the customer. (1973 Code, 13-120)

**18-120. Customer's responsibility for violations.** Where the municipality furnishes water service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him. (1973 Code, § 13-121)

**18-121. Supply and resale of water.** All water shall be supplied within the municipality exclusively by the municipality and no customer shall,

directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof except with written permission from the municipality. (1973 Code, § 13-122)

**18-122. Unauthorized use of or interference with water supply.** No person shall turn on or turn off any of the municipality's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the municipality. (1973 Code, § 13-123)

**18-123. Limited use of unmetered private fire line.** Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the municipality.

All private fire hydrants shall be sealed by the municipality, and shall be inspected at regular intervals to see that they are in proper condition and that no water is being used therefrom in violation of these rules and regulations. When the seal is broken on account of fire, or for any other reason, the customer taking such service shall immediately give the municipality a written notice of such occurrence. (1973 Code, § 13-124)

**18-124. Damages to property due to water pressure.** The municipality shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the municipality's water mains. (1973 Code, § 13-125)

**18-125. Liability for cutoff failures.** The municipality's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:

(1) After receipt of at least ten (10) days' written notice to cut off water service, the municipality has failed to cut off such service.

(2) The municipality has attempted to cut off a service but such service has not been completely cut off.

(3) The municipality has completely cut off a service, but subsequently, the cutoff develops a leak or is turned on again so that water enters the customer's pipes from the municipality's main.

Except to the extent stated above, the municipality shall not be liable for any loss or damage resulting from cutoff failures. If a customer wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately owned cutoffs and not on the municipality's cutoff. Also, the customer (and not the municipality) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off. (1973 Code, § 13-126)

**18-126. Restricted use of water.** In times of emergencies or in times of water shortage, the municipality reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use. (1973 Code, § 13-127)

**18-127. Interruption of service.** The municipality will endeavor to furnish continuous water service, but does not guarantee to the customer any fixed pressure or continuous service. The municipality shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the municipal water and sewer systems, the water supply may be shut off without notice when necessary or desirable, and each customer must be prepared for such emergencies. The municipality shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption. (1973 Code, § 13-128)

**18-128. Schedule of rates.** For each water service connection, the user shall be charged per month for water consumed according to the water meter as follows:

First	2,000 gallons (minimum)	\$10.06 per month
Next	3,000 gallons	3.51 per 1,000 gallons
Next	5,000 gallons	3.01 per 1,000 gallons
Next	10,000 gallons	2.32 per 1,000 gallons
Next	80,000 gallons	2.11 per 1,000 gallons
Next	100,000 gallons	1.77 per 1,000 gallons

Outside of city limits, the said rate shall increase by fifty (50%) per cent of set rate. (Ord. #666, Nov. 1989, as replaced by Ord. #703B, Sept. 1996, and Ord. #727, Sept. 2002)

## CHAPTER 2

### SEWERS<sup>1</sup>

#### SECTION

- 18-201. Use of system regulated.
- 18-202. Permit and supervision required for connecting to system.
- 18-203. Connection fee.
- 18-204. Installation of lateral lines, etc.
- 18-205. Sewer service charges.
- 18-206. Extension policies.
- 18-207. Sewers in subdivisions, etc.

**18-201. Use of system regulated.** All persons using, desiring, or required to use, the public sanitary sewer system shall comply with the provisions of this chapter and with such written rules and regulations as may be prescribed by the city manager of the City of Waynesboro. (1973 Code, § 13-201)

**18-202. Permit and supervision required for connecting to system.** No premises shall be connected to the public sanitary sewer system without a permit from the city recorder. Also all connections to the system must be made under the direct supervision of the superintendent of the sewer system or someone designated by him. (1973 Code, § 13-202)

**18-203. Connection fee.** No permit to connect to the public sanitary sewer system shall be granted unless the applicant inside the city first pays to the city recorder a sewer connection fee in the amount of two hundred and fifty dollars (\$250.00) and applicants outside the city must first pay to the city recorder a connection fee in the amount of five hundred dollars (\$500.00). (1973 Code, § 13-203, as amended by Ord. #652, July 1984; Ord. #653, July 1984; Ord. #656, July 1984; and Ord. #714, Feb. 1998)

**18-204. Installation of lateral lines, etc.** When connections to the public sanitary sewer system are required and/or permitted the municipality shall be responsible for installing all the necessary lateral lines and facilities from the sewer main to the property line unless there is a written contract between the governing body of the municipality and the property owner to the

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<sup>1</sup>Municipal code references

Building, utility and housing codes: title 12.

Refuse disposal: title 17.

contrary. All necessary installations within the property lines shall be made by the owner. (1973 Code, § 13-204)

**18-205. Sewer service charges.** The rates to be charged users of the sanitary sewers are based upon two classifications: Residential and Non-residential.

(1) Residential classification – Residential users are any users occupying any building solely as living quarters.

(2) Non-residential – any type use other than residential.

For each sewer service connection, the user shall be charged per month for sewer produced according to the water consumed as indicated by the water meter as follows:

**Residential Classification**

First	2,000 gallons (minimum)	\$10.79 per month
Next	3,000 gallons	\$ 3.23 per 1,000 gallons
Next	1,000 plus gallons	\$ 2.94 per 1,000 gallons

**Non-Residential Classification**

First	2,000 gallons (minimum)	\$14.24 per month
Next	3,000 gallons	\$ 4.27 per 1,000 gallons
Next	1,000 plus gallons	\$ 3.88 per 1,000 gallons

Outside of the city limits the said rate shall increase by fifty percent (50%) of the set rate in each of the respective classifications. (Ord. #639, Aug. 1979, as amended by Ord. #652, July 1984; Ord. #653, July 1984; Ord. #656, July 1984; Ord. #657, July 1986; Ord. #658, July 1987; and Ord. #664, Sept. 1988, and replaced by Ord. #689, July 1995, and Ord. #735, Oct. 2003)

**18-206. Extension policies.** The extension of sewer trunk mains shall be governed by the same description and the same rules governing the extension of water mains as set forth in chapter 1 of this title with the following exceptions:

(1) The City of Waynesboro will assume responsibility for a maximum of fifty (50) feet of sewer main for each consumer to be connected immediately upon completion of construction, provided however, that in cases where it will be necessary to cross under highways, or other unusual conditions exist, the fifty (50) foot extension by the city shall not apply and said crossing or tunneling under said highway shall be within the discretion of the city, and in any event, the consumer or consumers shall bear the cost of same.

(2) The minimum size for a sewer trunk main will be eight (8) inches; mains of a larger size to be installed at the discretion of the city. (1973 Code, § 13-206)

**18-207. Sewers in subdivisions, etc.** Any applicant desiring to have sewerage service made available to a particular area or subdivision of the City of Waynesboro, shall:

(1) Prepare a completely detailed plan and specifications for such sewerage system which conforms to the regulations prescribed by the city.

(2) Obtain prior city approval of such plan.

(3) Obtain bids from reliable contractors for the cost of constructing the extension system.

(4) Furnish evidence to the city that all bills and obligations for labor, materials, professional services and other cost of construction and planning have been paid in full and that the extension system is free from all liens and encumbrances.

(5) Make no charge against the city for tapping or connection to the city system.

(6) Convey to the City of Waynesboro by written instrument the said extension sewerage system from its owners.

Annually, as of January first of each year, for the first five (5) years after the completion of such extension, the city will determine the gross amount of revenue collected from such extension during the previous twelve-month period and shall within ninety (90) days thereafter, make reimbursements to the installer of an amount equal to fifty per cent (50%) of such gross revenue. No reimbursement shall be made after such five (5) year period, and in no event shall the total amount of reimbursement exceed fifty per cent (50%) of the installer's gross investment for such extensions. (1973 Code, § 13-207)

## CHAPTER 3

### SEWAGE AND HUMAN EXCRETA DISPOSAL<sup>1</sup>

#### SECTION

- 18-301. Definitions.
- 18-302. Places required to have sanitary disposal methods.
- 18-303. When a connection to the public sewer is required.
- 18-304. When a septic tank shall be used.
- 18-305. Registration and records of septic tank cleaners, etc.
- 18-306. Use of pit privy or other method of disposal.
- 18-307. Approval and permit required for septic tanks, privies, etc.
- 18-308. Owner to provide disposal facilities.
- 18-309. Occupant to maintain disposal facilities.
- 18-310. Only specified methods of disposal to be used.
- 18-311. Discharge into watercourses restricted.
- 18-312. Pollution of ground water prohibited.
- 18-313. Enforcement of chapter.
- 18-314. Carnivals, circuses, etc.
- 18-315. Violations.

**18-301. Definitions.** The following definitions shall apply in the interpretation of this chapter:

- (1) "Accessible sewer." A public sanitary sewer located in a street or alley abutting on the property in question or otherwise within two hundred (200) feet of any boundary of said property measured along the shortest available right-of-way.
- (2) "Health officer." The person duly appointed to such position having jurisdiction, or any person or persons authorized to act as his agent.
- (3) "Human excreta." The bowel and kidney discharges of human beings.
- (4) "Sewage." All water-carried human and household wastes from residences, buildings, or industrial establishments.
- (5) "Approved septic tank system." A watertight covered receptacle of monolithic concrete, either precast or cast in place, constructed according to plans approved by the health officer. Such tanks shall have a capacity of not less than 750 gallons and in the case of homes with more than two (2) bedrooms the capacity of the tank shall be in accordance with the recommendations of the Tennessee Department of Health as provided for in its 1958 bulletin entitled "Recommended Construction of Septic Tanks and Disposal Fields for Residential

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<sup>1</sup>Municipal code reference  
Plumbing code: title 12, chapter 2.

Uses." A minimum liquid depth of four (4) feet should be provided with a minimum depth of air space above the liquid of one (1) foot. The septic tank dimensions should be such that the length from inlet to outlet is at least twice but not more than three (3) times the width. The liquid depth should not exceed five (5) feet. The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply, and such disposal shall be in accordance with recommendations of the health officer as determined by acceptable soil percolation data.

(6) "Sanitary pit privy." A privy having a fly-tight floor and seat over an excavation in earth, located and constructed in such a manner that flies and animals will be excluded, surface water may not enter the pit, and danger of pollution of the surface of the ground or the underground water supply will be prevented.

(7) "Other approved method of sewage disposal." Any privy, chemical toilet, or other toilet device (other than a sanitary sewer, septic tank or sanitary pit privy as described above) the type, location, and construction of which have been approved by the health officer.

(8) "Watercourse." Any natural or artificial drain which conveys water either continuously or intermittently. (1973 Code, § 8-201)

**18-302. Places required to have sanitary disposal methods.** Every residence, building, or place where human beings reside, assemble, or are employed within the corporate limits shall be required to have a sanitary method for disposal of sewage and human excreta. (1973 Code, § 8-202)

**18-303. When a connection to the public sewer is required.** Wherever an accessible sewer exists and water under pressure is available, approved plumbing facilities shall be provided and the wastes from such facilities shall be discharged through a connection to said sewer made in compliance with the requirements of the official responsible for the public sewerage system. On any lot or premise accessible to the sewer no other method of sewage disposal shall be employed. (1973 Code, § 8-203)

**18-304. When a septic tank shall be used.** Wherever water carried sewage facilities are installed and their use is permitted by the health officer, and an accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved septic tank system.

No septic tank or other water-carried sewage disposal system except a connection to a public sewer shall be installed without the approval of the health officer or his duly appointed representative. The design, layout, and construction of such systems shall be in accordance with specifications approved by the health officer and the installation shall be under the general supervision of the department of health and environment. (1973 Code, § 8-204)

**18-305. Registration and records of septic tank cleaners, etc.** Every person, firm, or corporation who operates equipment for the purpose of removing digested sludge from septic tanks, cesspools, privies, and other sewage disposal installations on private or public property must register with the health officer and furnish such records of work done within the corporate limits as may be deemed necessary by the health officer. (1973 Code, § 8-205)

**18-306. Use of pit privy or other method of disposal.** Wherever a sanitary method of human excreta disposal is required under § 18-302 and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided. (1973 Code, § 8-206)

**18-307. Approval and permit required for septic tanks, privies, etc.** Any person, firm, or corporation proposing to construct a septic tank system, privy, or other sewage disposal facility, requiring the approval of the health officer under this chapter, shall before the initiation of construction obtain the approval of the health officer for the design and location of the system and secure a permit from the health officer for such system. (1973 Code, § 8-207)

**18-308. Owner to provide disposal facilities.** It shall be the duty of the owner of any property upon which facilities for sanitary sewage or human excreta disposal are required by § 18-302, or the agent of the owner to provide such facilities. (1973 Code, § 8-208)

**18-309. Occupant to maintain disposal facilities.** It shall be the duty of the occupant, tenant, lessee, or other person in charge to maintain the facilities for sewage disposal in a clean and sanitary condition at all times, and no refuse or other material which may unduly fill up, clog, or otherwise interfere with the operation of such facilities shall be deposited therein. (1973 Code, § 8-209)

**18-310. Only specified methods of disposal to be used.** No sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of, except by a sanitary method of disposal as specified in this chapter. (1973 Code, § 8-210)

**18-311. Discharge into watercourses restricted.** No sewage or excreta shall be discharged or deposited into any lake or watercourse except under conditions specified by the health officer and specifically authorized by the Tennessee Stream Pollution Control Board. (1973 Code, § 8-211)

**18-312. Pollution of ground water prohibited.** No sewage, effluent from a septic tank, sewage treatment plant, or discharges from any plumbing

facility shall empty into any well, either abandoned or constructed for this purpose, cistern, sinkhole, crevice, ditch, or other opening either natural or artificial in any formation which may permit the pollution of ground water. (1973 Code, § 8-212)

**18-313. Enforcement of chapter.** It shall be the duty of the health officer to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this chapter. Written notification of any violation shall be given by the health officer to the person or persons responsible for the correction of the condition, and correction shall be made within thirty (30) days after notification. If the health officer shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health such person shall at once take steps to remove the menace, and failure to remove such menace immediately shall be punishable under the general penalty clause for this code; but such person shall be allowed the number of days herein provided within which to make permanent correction. (1973 Code, § 8-213)

**18-314. Carnivals, circuses, etc.** Whenever carnivals, circuses, or other transient groups of persons come within the corporate limits such groups of transients shall provide a sanitary method for disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the health officer shall constitute a violation of this section. In these cases the violator shall not be entitled to the notice of thirty (30) days provided for in the preceding section. (1973 Code, § 8-214)

**18-315. Violations.** Any person, persons, firm, association, or corporation or agent thereof, who shall fail, neglect, or refuse to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause for this code. (1973 Code, § 8-215)

## CHAPTER 4

### CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.<sup>1</sup>

#### SECTION

- 18-401. Definitions.
- 18-402. Standards.
- 18-403. Construction, operation, and supervision.
- 18-404. Statement required.
- 18-405. Inspections required.
- 18-406. Right of entry for inspections.
- 18-407. Correction of existing violations.
- 18-408. Use of protective devices.
- 18-409. Unpotable water to be labeled.
- 18-410. Violations.

**18-401. Definitions.** The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(1) "Public water supply." The waterworks system furnishing water to the City of Waynesboro for general use and which supply is recognized as the public water supply by the Tennessee Department of Health.

(2) "Cross-connection." Any physical connection whereby the public water supply is connected with any other water supply system, whether public or private, either inside or outside of any building or buildings, in such manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of any other arrangement.

(3) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(4) "By-pass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

(5) "Inter-connection." 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 sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.

(6) "Person." Any and all persons, natural or artificial, including any individual firm, or association, and any municipal or private corporation

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<sup>1</sup>Municipal code references

Plumbing code: title 12.

Water and sewer system administration: title 18.

Wastewater treatment: title 18.

organized or existing under the laws of this or any other state or country. (Ord. #646, Oct. 1981)

**18-402. Standards.** The Waynesboro Public Water Supply is to comply with Tennessee Code Annotated, §§ 68-221-701 through 68-221-720 as well as the Rules and Regulations for Public Water Supplies, legally adopted in accordance with this code, which pertain to cross-connections, auxiliary intakes, by-passes, and inter-connections, and establish an effective ongoing program to control these undesirable water uses. (Ord. #646, Oct. 1981)

**18-403. 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 Health and the operation of such cross-connection, auxiliary intake, by-pass or inter-connection is at all times under the direct supervision of the City Manager of the City of Waynesboro. (Ord. #646, Oct. 1981)

**18-404. 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 city manager a statement of the non-existence of unapproved or unauthorized auxiliary intakes, by-passes, or inter-connections. Such statement shall also contain an agreement that no cross-connection, auxiliary intake, by-pass, or inter-connection will be permitted upon the premises. (Ord. #646, Oct. 1981)

**18-405. Inspections required.** It shall be the duty of the Waynesboro Public Water Supply 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 City Manager of the Waynesboro Public Water Supply and as approved by the Tennessee Department of Health. (Ord. #646, Oct. 1981)

**18-406. Right of entry for inspections.** The city manager or his authorized representative shall have the right to enter at any reasonable time, any property served by a connection to the Waynesboro Public Water Supply for the purpose of inspecting the piping system or systems therein for cross-connections, auxiliary intakes, by-passes, or inter-connections. 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. (Ord. #646, Oct. 1981)

**18-407. Correction of existing violations.** Any person who now has cross-connections, auxiliary intakes, by-passes, or inter-connections 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 City Manager of the Waynesboro Public Water Supply.

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 Waynesboro Public Water Supply 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 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, inter-connections, auxiliary intakes, or by-passes are found that constitutes an extreme hazard of immediate concern of contaminating the public water system, the manager of the utility 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 supply from the on-site piping system unless the imminent hazard(s) is (are) corrected immediately. (Ord. #646, Oct. 1981)

**18-408. Use of protective devices.** Where the nature of use of the water supplied a premises by the water department is such that it is deemed:

- (1) Impractical to provide an effective air-gap separation.
- (2) That the owner and/or occupant of the premises cannot, or is not willing, to demonstrate to the official in charge of the 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.
- (3) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing.
- (4) There is a likelihood that protective measures may be subverted, altered, or disconnected.

The City Manager of the Waynesboro Public Water Supply, 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 devices shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Health as to manufacture, model, and size. The

method of installation of backflow protective devices shall be approved by the City Manager of the Waynesboro Public Water Supply prior to installation and shall comply with the criteria set forth by the Tennessee Department of Health. The installation shall be at the expense of the owner or occupant of the premises.

Personnel of the Waynesboro Public Water Supply shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the city manager 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 city manager 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 supply 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 acceptable to the City Manager of the Waynesboro Public Water Supply.

If necessary water service shall be discontinued (following legal notification) for failure to maintain backflow prevention devices in proper working order. Likewise the removal, bypassing, or altering the protective device(s) ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the Waynesboro Public Water Supply. (Ord. #646, Oct. 1981)

**18-409. Unpotable water to be labeled.** The potable water supply made available to premises served by the public water supply 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. (Ord. #646, Oct. 1981)

**18-410. Violations.** The requirements contained herein shall apply to all premises served by the Waynesboro Water System 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 corporate limits.

Any person who neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100.00), and each day of continued violation after conviction shall constitute a separate offense. (Ord. #646, Oct. 1981)

**TITLE 19**

**ELECTRICITY AND GAS**

**CHAPTER**

1. ELECTRICITY.
2. GAS.

**CHAPTER 1**

**ELECTRICITY<sup>1</sup>**

**SECTION**

19-101. To be furnished under franchise.

**19-101. To be furnished under franchise.** Electricity shall be furnished for the municipality and its inhabitants under such franchise as the governing body shall grant.<sup>2</sup> The rights, powers, duties, and obligations of the municipality, its inhabitants, and the grantee of the franchise shall be clearly stated in the written franchise agreement which shall be binding on all parties concerned. (1973 Code, § 13-301)

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<sup>1</sup>Municipal code reference  
Electrical code: title 12.

<sup>2</sup>The agreements are of record in the office of the city recorder.

## CHAPTER 2

### GAS<sup>1</sup>

#### SECTION

- 19-201. Monthly charges.
- 19-202. Monthly bills.
- 19-203. Billing when meter is inoperative.
- 19-204. Delinquent bills.
- 19-205. Tampering with meters, reconnecting service, etc.
- 19-206. Cash deposits for service.
- 19-207. Installation policy.

**19-201. Monthly charges.** The following, except as hereinafter provided, shall be the schedule of monthly charges for natural gas and services furnished by the natural gas system of the City of Waynesboro, Tennessee, to wit:

#### GAS RATES -- EFFECTIVE FEBRUARY 2001 BILLING

##### RESIDENTIAL AND GENERAL GAS SERVICE

#### AVAILABILITY:

At points on company's existing facilities of adequate capacity and suitable pressure when natural gas is obtained in sufficient quantities for all requirements of distribution by city.

#### APPLICATION:

To gas service for domestic uses by a residential customer and for general service for which no other schedule applies.

#### NET MONTHLY BASE RATE:

	Inside City Classes 22/35	Outside City Classes 01/14
For the First 500 cf or Less	\$ 5.91	\$ 8.07
All additional Usage	\$ 5.33/Mcf	\$ 6.18/Mcf
Monthly Minimum	\$ 5.91	\$ 8.07

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<sup>1</sup>Municipal code reference  
Gas code: title 12.

INDUSTRIAL GAS SERVICE

AVAILABILITY:

At points on company's existing facilities of adequate capacity and suitable pressure when natural gas is obtained in sufficient quantities for all requirements of distribution by city.

APPLICATION:

To gas service to industrial customers.

NET MONTHLY RATE:

For the First 5,000 cf	\$ 6.01/Mcf
All additional Usage	\$ 5.25/Mcf
Monthly Minimum	\$ 30.05

Adjustments. (1) Purchased gas adjustment. To assure that the City of Waynesboro recovers the purchase, storage cost, capacity reservation cost, and long term supply reservation cost of all gas injected into its distribution system for delivery to its sales, any increase in the cost of any of the above will result in automatic and immediate increase in the retail rates of an equal and like amount.

The rates per MCF (1,000 cubic feet) of gas set forth in section two of this resolution shall be increased by an amount hereinafter described, which amount is called the "Purchase Gas Adjustment." The Purchase Gas Adjustment (PGA) shall become effective in any billing cycle when there is an increase in the base cost of supply. An increase in the cost of supply will result in an automatic and immediate increase in the customer rates of an equal and like amount for the billing cycle in which the increase occurred. The (PGA) shall be calculated and established by the city manager.

(2) B.T.U. adjustment. The amount computed above any of the above stated rate schedules may be adjusted by multiplying such amount by the average of the B.T.U. content per cubic foot of the gas delivered to the city. For purposes of determining such average heating value, city may rely on reports furnished by city's supplier.

(3) Charges levied by governmental authority. The amount computed under any of the city's natural gas sales rates may be increased to reflect any applicable proportionate part of any directly allocable tax, impost or assessment imposed or levied by any governmental authority, which is assessed or levied against the city or directly affects the city's cost of operation and which the city is legally obligated to pay on the basis of meters, customers, or rates of, or revenues from gas or service sold, or on any other basis where direct allocation is possible. (1973 Code, § 13-401, as amended by Ord. #632, June 1977; Ord. #678, July 1993; Ord. #681, Oct. 1993; Ord. 703A, Sept. 1996; and Ord. #720, Feb. 2001)

**19-202. Monthly bills.** All gas meters shall be read monthly and bills rendered monthly based on such reading. All bills shall be due and payable from and after the date on which such bills are rendered. (1973 Code, § 13-401)

**19-203. Billing when meter is inoperative.** In the event any meter shall be found to be inoperative at the end of any billing period or to be faulty or inaccurate for any reason, the meter will be replaced or repaired as soon as possible and the bill for natural gas used during the current period shall be the average of the last three monthly bills. (1973 Code, § 13-403)

**19-204. Delinquent bills.** If any bill for gas service shall be and remain due and unpaid for as long as fifteen days after rendition, there shall be an additional charge of ten per centum (10%) added thereto.

If any bill for gas service shall be and remain past due and unpaid for as long as thirty (30) days, gas service to such delinquent customer shall be disconnected and shall not be reconnected until all past due bills shall have been paid in full, together with a reconnection charge of five dollars (\$5.00). It shall be the duty of the gas inspector of the system to notify the operator of the natural gas system of such delinquency, who shall proceed immediately to the premises of the customer so in arrears and disconnect service. (1973 Code, § 13-404)

**19-205. Tampering with meters, reconnecting service, etc.** It shall be unlawful for any person or persons to tamper with or change any gas meter, or to make any connection to the system without permission from the city, or to reconnect service, when it shall have been disconnected for non-payment of a bill for service, until such bill shall have been paid in full, including the reconnection fee. (1973 Code, § 13-405)

**19-206. Cash deposits for service.** Each customer shall, before connecting with the system, obtain a permit therefor from the city and shall deposit ten dollars (\$10.00) as security for the prompt payment of all accounts of the subscriber with the system, which deposit shall be returned to the subscriber upon termination of the services if all charges due the city shall have been paid, but in the event that the subscriber shall become in arrears in such charges, then such deposit shall be used in whole or in part, in liquidation of same, and the deposit by the subscriber shall be his consent to such use in such an event. All such deposits shall be retained in a separate account to be accounted for at the termination of service, except in the case of a subscriber becoming in arrears in charges, in which event the deposit may be withdrawn from the special account and applied to the payment of the delinquent charge. (1973 Code, § 13-406)

**19-207. Installation policy.** The city shall provide the meter, meter box, regulators and the service pipe from the gas main to the consumer's property line, and such installation shall remain the property of the city. The gas service pipe shall be installed by the city from the property line of the consumer which is nearest the main to the initial junction with the consumer's pipe. From the initial junction with the service pipe, the consumer pipe shall be installed by the city at a cost determined by the Gas Department. The consumer shall pay a minimum of \$125.00 plus cost of installation on consumer's property and said expenses may be payable in five monthly installments in lieu of a one time payment in full. All installation of consumer pipe shall be installed in conformity with provisions of §§ 12-401 through 12-412

of this code. In the event that service is discontinued for any reason, the gas inspector is authorized to remove the meter, regulator, meter box and gas service line which was installed by the city. Further if gas service is discontinued prior to the payment in full of the installation cost under the payment plan, said balance of said payment plan shall remain a lien on the property of the consumer, the same as delinquent property taxes. Reinstallation of service shall be subject to the payment of the installation cost in full plus any delinquent charges on service. (Ord. #660, Aug. 1987)

**TITLE 20**

**MISCELLANEOUS**

**CHAPTER**

**1. DEPARTMENT OF PARKS AND RECREATION.**

**CHAPTER 1**

**DEPARTMENT OF PARKS AND RECREATION**

**SECTION**

20-101. Director designated.

20-102. Compensation of director.

20-103. City manager to supervise department.

20-104. Responsibilities of parks commission.

20-105. Bylaws and rules of procedure.

**20-101. Director designated.** The Department of Parks and Recreation for the City of Waynesboro shall consist of a qualified director as the department head.<sup>1</sup> The Director of the Department of Parks and Recreation shall be responsible for the establishment of recreational programs for the citizens of Waynesboro of all ages; shall be responsible for his department employees, whether full time, part time, or volunteer, as necessity dictates and as budget limitations as set by the city commission are applicable. (Ord. #657-A, Dec. 1986)

**20-102. Compensation of director.** The salary for the Director for the Department of Parks and Recreation shall be set by the city commissioners upon the advice of a parks commission hereinafter established. (Ord. #657-A, Dec. 1986)

**20-103. City manager to supervise department.** The Department of Parks and Recreation shall be under the supervision of by the city manager.

The Department of Parks and Recreation shall fall under the Parks Commission Regulatory Board which shall establish policies, procedures and programs, with directive authority over the Department of Parks and Recreation, subject to the review of the city manager and the City Commission of Waynesboro. (Ord. #657-A, Dec. 1986, as amended by Ord. #659, July 1987)

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<sup>1</sup>Qualifications of the director as were attached to Ord. #657-A, are in the office of the city recorder.

**20-104. Responsibilities of park commission.** The parks commission is charged with the responsibility to survey, interview and recommend personnel to the city manager to advise and seek approval of the city commission for the establishment of the parks director position and payroll. The parks commission shall be a regulatory body for the Department of Parks and Recreation; the parks commission shall meet with the director and shall function as the originating body of policy, procedures and programs, with consultation of the Director of Parks and Recreation and subject to the will of the city commission. (Ord. #657-A, Dec. 1986, as amended by Ord. #659, July 1987)

**20-105. Bylaws and rules of procedure.** The parks commission may establish its own bylaws, regulations, procedures and proceedings, with the only restriction that such bylaws, regulations and procedures not be in conflict with the city ordinances of the City of Waynesboro. (Ord. #657-A, Dec. 1986)