

**THE  
SAVANNAH  
MUNICIPAL  
CODE**



Codified June 2016

**CITY OF SAVANNAH, TENNESSEE**

**MAYOR**

Robert Shutt

**VICE MAYOR**

Blake White

**COMMISSIONERS**

Kent Collier

Wes Wilkerson

David Carroll

**CITY MANAGER**

Garry Welch

**ASSISTANT CITY MANAGER**

C. Seth Sumner

**RECORDER**

Brinn Parrish

## PREFACE

The Savannah Municipal Code contains the codification and revision of the ordinances of the City of Savannah, 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 ordinances.

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

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

ARTICLE VI

**ORDINANCES**

Section 1. That all ordinances shall begin, “Be it ordained by the City of Savannah as follows;”

Section 2. Every ordinance shall be considered and adopted on two different days in open session before its adoption, and not less than one week shall elapse between the first consideration and adoption. All ordinances shall take effect from and after their final adoption, unless otherwise provided therein, except in case of an emergency ordinance. An emergency ordinance may take effect from the day of its final passage, provided it shall contain the statement that an emergency exists and shall specify with definiteness the facts and reasons constituting such an emergency.

The unanimous vote of all members of the Board present shall be required to pass an emergency ordinance.

No ordinance making a grant, renewal or extension of a franchise or other special privilege shall ever be passed as an emergency ordinance. No ordinance shall be amended except by a new ordinance.

Section 3. That in all cases under the preceding section, the vote shall be determined by yeas and nays; the names of the members voting for or against an ordinance shall be entered upon the Journal.

Section 4. That every ordinance shall be immediately taken charge of by the Recorder and by him numbered, copied in an ordinance book, filed and preserved in his office.

Section 5. That all ordinances or the caption of the ordinance of a penal nature shall be published at least once in a newspaper of the city, and no such ordinance shall be enforced until ten (10) days after it is so published. [Priv. Acts 2011, Ch. 21, § 1]

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CHARTER OF THE CITY OF SAVANNAH, TENNESSEE<sup>1</sup>

CHAPTER NO. 683

House Bill No. 1256

(By Gammill)

AN ACT to provide a new charter for the City of Savannah, in Hardin County, Tennessee, and to embrace all of such charter in one Act, and to incorporate said City of Savannah under such new charter.

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<sup>1</sup>Private Acts 1951, Chapter 683, is the present basic Charter Act of the City of Savannah, Tennessee. The general and permanent amendments of that Act through the 2011 session of the Tennessee General Assembly have been incorporated therein. In addition, Private Acts 1968, ch. 450 as amended by Priv. Acts 1972, ch. 309, which did not specifically amend the charter are incorporated therein as Article III, section 1, paragraph (17)(A).

A table containing a list of the basic charter and all amendments thereto can be found at the end of the charter.

No changes have been made in the contents of the basic charter or the amendments incorporated therein except: the creation of Article III, section 1, paragraph (17)(A) as noted above; the addition of the catch-line "ARTICLE OF INCORPORATION" to Article I; and a table of contents to facilitate the use of the charter.

If a section of the charter has been amended a historical citation at the end of that section references the private act/s from which the amendment/s derive. Footnotes in appropriate place provide information to aid the reader in the interpretation of the charter.

It is important to note that this is a careful but unofficial compilation of the charter.

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## ARTICLE I

ARTICLE OF INCORPORATION

Section 1. Be it ended by the General Assembly of the State of Tennessee, That the City of Savannah, in Hardin County, Tennessee, be, and the same is, hereby incorporated under and by this Act.

Section 2. Be it further enacted, That the inhabitants of the City of Savannah, in the County of Hardin, within the corporate limits of said city, as hereinafter described, be, and they are, hereby constituted a body politic and corporate under the name and style of "City of Savannah," and as such shall have perpetual succession, shall sue and be sued, implead and be impleaded in all courts of law and equity, and in all actions whatsoever; may, for municipal purposes, purchase, receive, and hold property--real, personal and mixed--within or beyond the limits of the city; and may sell, lease, or dispose of such property persons may or could do; may have and use a common seal, and may change it at pleasure; and exercise all the rights, powers, and privileges set forth in the succeeding sections of this Act.

Section 3. Be it further enacted, That the right, title and ownership of property of said City of Savannah and all its uncollected taxes, assessments, dues, fines, costs, claims, judgments, choses in action, and all its rights of every kind and character whatsoever, shall immediately become and are hereby vested in the municipal corporation created by this Act; and that said new corporation be, and hereby is, burdened and charged with and made liable for all legal debts, contracts, bonds and obligations of the old corporation which it succeeds, in the same manner and form and to the same extent as the said prior municipal corporation was under existing laws.

Section 4. Be it further enacted, That all laws, ordinances, and resolutions lawfully enacted by the governing body of said city under the corporate name of the "The Town of Savannah" of "City of Savannah" or under any preceding charter, or charters, including the City Manager Charter and the Commission Charter heretofore in force with reference to said City of Savannah, and not inconsistent with this charter until such time as the governing body of said city created under and by this Act shall elect to amend, modify, or repeal the same.

## ARTICLE II

BOUNDARIES AND WARDS<sup>1</sup>

Section 1. Be it further enacted, That the boundaries of the City of Savannah hereby incorporated shall be as follows:

BEGINNING on the west bank of the Tennessee River at the northeast corner of the land formerly owned by Lewis Guinn; runs thence east with the north boundary line, and containing east with the south boundary line of the Savannah cemetery lot to a point 300 feet west of the Pickwick Highway, known as State Highway No. 128; thence south with a line 300 feet west of and parallel to said highway to a point west of the road leading from the Pickwick Highway by the north boundary line of the Stout land; thence east with the south boundary line of the Stout land, and continuing east to the Bain road, crossing the same to a point 300 feet east of said Bain road; thence northward with a line 300 feet east of said Bain road to a point 300 feet south of the Pinhook road; thence east with a line 300 feet south of and parallel to the said Pinhook road to a point south of the east boundary line of the Harbert Heights subdivision; thence north to the Pinhook road to East Side Avenue, and containing north with east Side Avenue to Walnut Street; thence west with Walnut Street to a point 300 feet east of Harbert Drive; thence north on a line 300 feet east of and parallel to Harbert Drive to a point 300 feet south of and parallel to U.S. Highway No. 64; thence east with a line 300 feet south of and parallel to U.S. Highway No. 64 to a point south of the southeast corner of Bellwood Subdivision; thence north to the southeast corner of the same, and continuing north with the east boundary line of said subdivision to the north boundary line of the same to the northwest corner of the same, continuing west to a point 300 feet east of the Patterson road; thence north with a line 300 feet east and parallel to said Patterson road to the northeast corner of the land owned by Ralph Covey; thence west to Shell Street; thence south with Shell Street to Eleanor Street; thence south with the east side of Washington Street to the Cerro Gordo road, known as the Clifton road; thence north parallel to Craven's Landing Road to a point opposite the present limits of the town of Savannah, thence west to the most northern northeast corner of the present corporate limits of the town of Savannah; thence west with the north boundary line of the present corporate limits of the town of Savannah to the Tennessee River; thence up said river with its meanders to the beginning.

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<sup>1</sup>The boundaries of the city have been amended by the Ordinances 249 and 282 (Ordinance 358-3-83 amended Ordinance Number 282), 453-10-89, 514-4-94, 556-2-98, 558-2-98, 558-2-98, 560-2-98, 591-2-2000, 612-1-2001, 667-6-2004, and 699-7-2006.

Section 2. Be it further enacted, That the territory described and bounded in Section 1 of this Article may be divided into such wards as may be prescribed by ordinance, or ordinances, enacted by the governing body of said city created under and by this Act.

### ARTICLE III

#### CORPORATE POWERS

Section 1. Be it further enacted, That the municipal corporation, in addition to the powers, rights and authority vested in it by the preceding Articles and Sections, shall have the following powers:

(1) TAXES.--To assess as hereinafter provided and to levy and collect taxes for all general and special purposes, on all subjects or objects of taxation and privileges taxable by law for state, county, or city purposes, but no privilege tax shall be levied or collected in excess of the amount fixed by the laws of the state so taxing such privileges for specific purposes, or as may be specifically authorized by any general or special law of the state, and said city shall not exempt from taxation any property not exempt from state or county taxes.

(2) CLASSIFICATION IN TAXATION.--To adopt such classifications of the subjects and objects of taxation as may not be contrary to law.

(3) SPECIAL ASSESSMENTS.--To make special assessments for local improvements.

(4) CONTRACTS.--To contract and be contracted with.

(5) BORROW MONEY.--To incur debts by borrowing money or otherwise, and to give any appropriate evidence thereof, in the manner hereinafter provided, and to anticipate the annual revenue by borrowing money to meet the payments of interest on the bonded debt of the city or other budget obligations.

(6) REFUNDING BONDS.--To issue and exchange, sell, pledge or in any manner dispose of negotiable and non-negotiable, interest-bearing or non-interest-bearing bonds, warrants, promissory notes or orders of the city upon the credit of the city, or solely on the credit of specific property owned by the city, or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the city, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two or more of such credits.

(7) REFUNDING BONDS.--To issue and exchange, sell, pledge, or in any manner dispose of negotiable and non-negotiable, interest-bearing or non-interest-bearing refunding bonds, and fix the interest rate and maturity date thereof to finance or extend the existing bonded indebtedness of the city, upon the credit of the city or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the city or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two or more such credits.

(8) **NEW BOND, ISSUANCE.**--To issue and sell any new interest-bearing or non-interest bearing bonds for any purpose permitted by this charter or permitted by the statute of Tennessee, now in force or that may hereafter be enacted, to fix the interest rate and maturity dates of such bonds and to issue the same upon the credit of the city or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the city, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two or more such credits; provided, however, that no ordinance providing for the issuance of any such new bonds, except bonds issued under Sections 3408-3493 of the Code of Tennessee, or other Act of the Legislature of the State of Tennessee, or Section of the Code expressly authorizing the same, shall be valid unless and until approved by a majority of the qualified voters of said City of Savannah, voting at an election on the specific question of issuing such bonds, to be called, advertised and held in the same manner in which general municipal elections are required to be held under this charter. In such election it shall not be necessary to submit to the voters any other question than the maximum amount, the maximum interest rate and the purpose or purposes of the bonds proposed to be issued. No bonds shall be issued under this section in such an aggregate amount, including outstanding bonds, as will create or increase the total bonded indebtedness of the city more than twenty-five percent of the assessed valuation for the preceding year of the taxable property in said city; provided, however, that any bonds or securities redeemable and payable out of funds derived from special assessments for public improvements or any bonds or other obligations issued for supplying such municipality and its inhabitants with water, artificial light, heat or power, where the works for supplying the same shall be under and controlled by such municipality, shall not be included in the debt of said city, within the limitations of this section.

(9) **MONEY EXPENDED.**--To expend the money of the city for all lawful purposes.

(10) **ACQUISITION AND DISPOSITION OF PROPERTY.**--To acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge, or otherwise dispose of property, real or personal, and any estate or interest therein, within or without the city or state.

(11) **EMINENT DOMAIN.**--To condemn property, real or personal, or any easement, interest, or estate or use therein, either within or without the interest, or estate or use therein, either within or without the city, for present or future public use; such condemnation to be made and effected in accordance with the terms and provisions of Sections 3109-3132 of the Code of Tennessee, or in such other manner as may be provided by general law.

(12) **PROPERTY OUT OF CITY; ADMINISTRATION OF TRUSTS.**--To take and hold property within or without the city or state upon trust; and to administer trusts for the public benefit.

(13) **PUBLIC UTILITIES.**--To acquire, construct, own, operate, and maintain, or sell, lease, mortgage, pledge, or otherwise dispose of public utilities or any estate or interest therein, or any other utility of service to the city, its inhabitants or any part thereof.

The above right and power expressly includes, but is not limited thereto, the power to acquire or construct, own, operate, and maintain, or sell, lease, mortgage, pledge, or otherwise dispose of, a gas distribution system, or systems, within the territorial limits of Hardin County, either within or without the corporate limits of the City of Savannah or both within and without the corporate limits of the City of Savannah, for the purpose of serving users either within or without said corporate limits, provided, however, that such distribution system shall not be constructed wholly or partly within the corporate limits of another municipality except with the consent of the governing body of such other municipality.

(14) PUBLIC UTILITIES GRANTS; FRANCHISES; REGULATIONS.--To grant to any person, firm, association or corporation, franchises for public utilities and public services to be furnished the city and those therein and to grant rights of way through the city streets, avenues, alleys, squares, ways and over the bridges and viaducts of the city for the use of public and quasi-public utilities; provided, that no exclusive franchises shall be granted; provided, further, that such new franchise shall not destroy the term of any existing franchise. Franchises may be granted for a period of twenty-five years or less, but not longer. Franchises may by their terms apply to the territory within the corporate limits of the city at the date of the franchises, and as said corporate limits thereafter maybe enlarged; and to the then existing streets, alleys, and other thoroughfares that thereafter may be opened.

The Board of Commissioners may prescribe in each such grant of franchise the rates, fares, charges, and regulations that may be made by the grantee of the franchise.

(15) CONTRACTS FOR PUBLIC UTILITY SERVICE.--To make contracts with any person, firm, association, or corporation, for public utilities and public services to be furnished the city and those therein. Such contracts may be entered into for the period of twenty-five years or less, but not longer. The Board of Commissioners may prescribe in each such contract entered into the rates, fares, charges, and regulations that may be made by the person, firm, association, or corporation with whom the contract is made. Such contracts may, by their terms, apply to the territory within the corporate limits of the city at the date of the contract, and as such corporate limits thereafter may be enlarged; and to the then existing streets, alleys, and thoroughfares and to any other streets, the alleys, or other thoroughfares that thereafter may be opened.

(16) REGULATIONS OF PUBLIC UTILITIES.--To prescribe reasonable regulations regarding the construction, maintenance, equipment, operation, and service of public utilities and compel, from time to time, reasonable extension of facilities for such services.

(17) HIGHWAYS, STREETS, PARKS.--To establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle, and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, and squares, bridges, viaducts, subways, tunnels, sewers, and drains, within or without the corporate limits, and property may be taken and appropriated therefor under the provisions of the general law now in force, or that may hereafter be enacted.

(17) (A)<sup>1</sup> CITY AUTHORIZED TO PURCHASE LAND FOR CITY PARK--  
 Be it enacted by the General Assembly of the State of Tennessee, That the City of Savannah, in Hardin County, Tennessee, be and it is authorized to acquire, by purchase, a tract or parcel of land or tracts or parcels of land for the purpose of providing a public park and recreation area either within or without the boundaries of the City of Savannah. The Board of Commissioners of the City of Savannah is authorized and empowered to purchase such tracts or parcels of land as may be available for such price and upon such terms as the Board of Commissioners may determine. The Board of Commissioners shall provide by ordinance, for the purchase of said land, and the price to be paid therefor and said land as may be necessary or proper to carry this Act into effect.  
 [As amended by Priv. Acts 2002, Ch. 166]

Section 2. Be it further enacted, That the City of Savannah, may issue and deliver to the seller of said land or may sell interest bearing notes of the City of Savannah for the purpose of paying for such land to be purchased by the City of Savannah. Said notes are to be on the usual form of bank notes and bear interest from date at a rate not to exceed 3% per annum, and to be dated as the Board of Commissioners may determine by resolution or ordinance, duly adopted and entered on the minutes of the Board; the maturity of said notes to be fixed by the Board of Commissioners of the City of Savannah by the ordinance authorizing the issuance of the same. Said notes may be issued in exchange for the purchase of said land; the Board of Commissioners of the City of Savannah to fix the price to be paid for said land, the amount of note or notes to be issued and exchanged for said land and in the event of the exchange of said note or notes for said land, the value of the land as determined by the Board of Commissioners and the issuance of the notes therefor shall be deemed final.

Section 3. Be it further enacted, That all note or notes issued pursuant to the authority of this act shall possess such characteristics, be in such form and vest such rights and remedies in the holder thereof as the Board of Commissioners of the City of Savannah may deem advisable, and all notes shall enjoy equal rights and properties of all other note or notes of the same issue, provided that no note shall possess any characteristics or vest in the holder thereof, any rights or remedies not authorized by this Act, provided that nothing contained in this Section or elsewhere set forth in this Act shall be construed as limiting the discretionary rights and powers granted by this Act to the Board of Commissioners of the City of Savannah, with respect to the determination of the Board of the characteristics or form of such issue of such note or notes that may be issued under this Act, or with respect to the rights and remedies of the holder thereof.

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<sup>1</sup>Paragraph 17(A) was created by the compiler to accommodate the contents of Priv. Acts 1968, Ch. 450, secs. 1 through 7, as amended by Priv. Acts 1972, Ch. 309, sec 1. Its location in the charter is consistent with Paragraph (17) which deals with highways, streets, and parks.



Section 4. Be it further enacted, That said note or notes shall be executed in the name of the City of Savannah, by the Mayor, and attested by the City Recorder and be in such denominations as determined by the ordinance authorizing said note or notes and shall recite the fact that they are issued under and pursuant to this Act. Said note or notes shall be payable in such place as designated by the Board of Commissioners in the ordinance authorizing the issuance of said notes.

Section 5. Be it further enacted, That the Board of Commissioners, in issuing said note or notes, is authorized to pledge the full faith and credit of said municipality, the City of Savannah, for the payment of the principle of and interest on the note or notes herein authorized, according to their tenor, and it shall be the duty of the Board of Commissioners, in addition to all other taxes authorized by law, to levy a tax upon all taxable property within said municipality, sufficient to pay said note or notes and interest at their maturity.

In case any officer, whose signature appears on the notes authorized by this act, shall cease to be such officers, before the delivery of such note or notes to the purchaser, such signature shall nevertheless be valid and sufficient for all purposes, the same as if they had remained in office until the delivery of the notes.

The passage of the ordinance by the Board of Commissioners of the City of Savannah shall be conclusive evidence of any holder of said note or notes of the necessity therefor and the receipt of the City Treasury of such municipality for the proceeds of said note or notes, or the acceptance by the City of the property for which said notes may be exchanged, shall be a full quittance to the holder, who shall be under no obligation to see to the actual application of such proceeds.

Section 6. Be it further enacted, That this Act shall, without reference to any other Act of the General Assembly of the State of Tennessee, or any other acts authorizing the City of Savannah to issue notes, be full authority to the Board of Commissioners of the City of Savannah to issue and sell notes, or exchange the same for the property as in this act authorized, which notes shall have all the qualities or negotiable papers under the law merchant, and shall not be invalidated for any irregularity or defect in the proceedings for the issuance and sale or exchange thereof, and shall be incontestable in the hands of a bona fide purchaser for value. No proceedings on the part of the Board of Commissioners of the City of Savannah, in respect to the issuance of said notes, shall be necessary, except such as are required by this Act. Said notes shall be issued without regard to any limitation upon the issuance and sale of notes provided for in the Charter of the City of Savannah or any other act of the General Assembly, and this Act shall be cumulative with any general law or such act, and shall be additional authority for the issuance and sale of notes by the City of Savannah than as provided by general law.

Section 7. Be it further enacted, That neither the principal of nor the interest on the notes issued under the provisions of this Act shall be taxed by the State of Tennessee, or by any county or municipality thereof, and it shall be so stated on the face of the notes in conformity with law.

(18) **ABUTTING PROPERTY IMPROVEMENTS.**--To construct, improve, reconstruct, and re-impose by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining, or otherwise improving any streets, highways, avenues, alleys, squares, or other public places within the corporate limits, and to assess a portion of cost of such streets, highways, alleys, or other public place, under and as provided by the Sections 3408-3493 of the Code of Tennessee, or any general law of the state, now or hereafter in effect.

(19) **SANITATION CHARGES AGAINST ABUTTING PROPERTY.**--To assess against abutting property within the corporate limits the cost of planting shade trees, removing from sidewalks all accumulations of snow, ice, and earth. Cutting and removing obnoxious weeds and rubbish; the lighting of streets; cleaning and rendering sanitary or removing, abolishing, and prohibiting closets and privies, in such manner as may be provided by general law or by ordinance passed by the Board of Commissioners.

(20) **MARKET PLACES, PUBLIC BUILDINGS, BRIDGES, ETC.**--To acquire, purchase, provide for, construct, regulate, and maintain and do all things relating to all market places, public buildings, bridges, sewers, and other structures, works, and improvements.

(21) **DRAINAGE, SEWAGE, OFFAL, ETC.**--To collect and dispose of drainage, sewage, offal, ashes, garbage, and refuse by discharging same into streams and rivers or otherwise, or to license and regulate such collection and disposal.

(22) **LICENSE TAX.** -- To impose a license tax upon any animal, thing, business, vocation, pursuit, privilege, or calling not prohibited by law.

(23) **REGULATION OF BUSINESS, CALLINGS, ETC.**--To define, prohibit, abate, suppress, prevent, and regulate all acts, practices, conduct, business, occupations, callings, trades, uses of property and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience or welfare of the inhabitants of the city, and to exercise general police powers.

(24) **LIMIT OCCUPATIONS LIABLE TO BECOME A NUISANCE.**--To prescribe limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security, or general welfare of the people may lawfully be established, conducted, or maintained.

(25) **INSPECTION, WEIGHTS AND MEASURES.**--To inspect, test, measure and weigh any article for consumption or use within the city, and to charge reasonable fee therefor; and to provide standards of weights, tests, and measures.

(26) **SAME.**--To establish, regulate, license, and inspect weights and measures.

(27) BUILDINGS, REGULATED AND INSPECTED.--To regulate the location, bulk, occupancy, area, lot location, height, construction and materials of all buildings and structures, and to inspect all buildings, lands and places as to their condition for health, cleanliness, and safety, and, when necessary, prevent the use thereof and require any alteration or changes necessary to make them healthful, clean, or safe.

(28) CHARITABLE, EDUCATIONAL, CORRECTIVE INSTITUTIONS.--To provide and maintain charitable, educational, recreative, curative, corrective, detentive, or penal institutions, departments, functions, facilities, instrumentalities, conveniences, and services.

(29) WORKHOUSE OR CITY COLONY; COUNTY WORKHOUSE.--To purchase or construct, maintain and establish a workhouse or farm colony for the confinement and detention of any person convicted in the city court of offenses against the laws and ordinances of the city who fails to secure the fine and costs imposed upon him, or to contract with Hardin County to keep said persons in the workhouse of said county and to provide by said contract with the State of Tennessee or Hardin County for the keeping of state and county convicts. If satisfactory arrangements or contract cannot be made with the authorities of Hardin County, Tennessee, for the confinement of said persons in a workhouse for Hardin County, Tennessee, then such contract may be made with any other county of the State of Tennessee

(30) ENFORCEMENT OF ORDINANCES; FINES AND IMPRISONMENT.--To enforce by ordinance, rule, or regulations, by means of fines, forfeitures, penalties, and imprisonment, or by action or proceedings in any court of competent jurisdiction, or by any one or more of such means, and to impose costs as a part thereof, but no fine, forfeiture, or penalty shall exceed fifty dollars, and no imprisonment shall exceed ninety days.

(31) ANIMALS RUNNING AT LARGE, TO SUPPRESS.--To regulate tax, license or suppress the keeping or going at large of animals or females within the city; to impound the same, and in default of redemption to sell or kill the same.

(32) HOG PENS.--To regulate or prevent the raising of hogs and keeping of hog pens within the corporate limits of said city.

(33) GAMBLING.--To prohibit and suppress all gambling, immoral houses, disorderly houses, bawdy houses, and obscene pictures and literature in said city.

(34) USE OF STREETS BY VEHICLES.--To license, tax and regulate all carriages, carts omnibuses, wagons, drays, automobiles, whether driven for hire or pleasure; all trucks of every description, and all other vehicles doing a public hauling of goods or carriage of passengers for hire, all taxicabs that use the streets, roads, highways, alleys, or other public places in said town, and to generally regulate, control, or prohibit the use of the streets, roads, highways, alleys, squares, and other public ways in said city

(35) THEATERS.--To license, tax and regulate theatrical and other exhibitors, including picture shows and other amusements, and to suppress immoral or vicious theatrical or other exhibitors.

(36) FIREARMS.--To regulate, restrain, or prevent the carrying on of any business dangerous in producing fires, and to regulate and suppress the sale of firearms, and to prevent and suppress the selling and carrying of pistols, bowie knives, ice picks, dirks, or other deadly weapons.

(37) EXPLOSIVES.--To regulate the storage of powder, tar, pitch, resin, saltpeter, gun cotton, col oil, gasoline, and all other explosives and inflammable material. To regulate and suppress the sale of firecrackers, toy pistols, fireworks, pyrotechnics, and all other explosives.

(38) SPEED OF AUTOMOBILES AND OTHER VEHICLES.--To prohibit the speed of automobiles, buses, trucks, wagons, and horses or other animals, and any and all vehicles upon public thoroughfares of said city.

(39) POWERS AS IF SPECIFICALLY ENUMERATED.--To have and exercise all powers which now or hereafter will be competent for this charter not specifically enumerated as fully and completely as though said powers were specifically enumerated herein. [As amended by Priv. Acts 1970, Ch. 248, sec. 1; and Priv. Acts 1974, Ch. 213, sec. 1. Section (17) (A) was added to the charter to accommodate Priv. Acts 1968, Ch. 450, secs. 1 through 7; as amended by Priv. Acts 1972, Ch. 309, sec. 1]

Section 2. Be it further enacted, That the enumeration of particular powers in this charter is not exclusive of others, nor restrictive of general words or phrases granting powers, now shall a grant, or failure to grant powers in this Article impair the power granted in any other part of this charter, and where powers, objects or purposes are expressed, conjunctively or disjunctively, they shall be construed so as to permit the city to exercise freely any one or more such powers as to any or more such objects or any one or more such purposes.

## ARTICLE IV

### ELECTIONS

Section 1. Nonpartisan elections shall be conducted by the Hardin County Election Commission under the general election laws of the state.

Section 2. A candidate for the officer of Commissioner must be qualified voter who has resided within the municipality for at least one (1) year preceding the date of the election. All registered voters of the city are eligible to vote in municipal elections.

Section 3. A municipal election shall be held in the city on the second Thursday of August, 2011, to elect two (2) commissioners to succeed those whose terms expire on the first Monday of September, 2011. The terms of the three (3) commissioners elected in August, 2011 shall expire at noon on the first Monday in December, 2014.

A municipal election shall be held in the city on the second Thursday of August, 2013 to elect three (3) commissioners to succeed those whose terms expire on the first Monday of September, 2013. The terms of the three (3) commissioners elected in August, 2013 shall expire at noon on the first Monday in December, 2016.

A municipal election shall be held in the city at the regular November election on the first Tuesday after the first Monday in November, 2014 to elect two (2) commissioners to succeed those whose terms expire at noon on the first Monday of December, 2014. The terms of the two (2) commissioners elected at the regular election November, 2014 shall expire at noon on the first Monday in December, 2018.

A municipal election shall be held in the city at the regular November election on the first Tuesday after the first Monday in November, 2016 to elect three (3) commissioners to succeed those whose terms expire at noon on the first Monday of December, 2016. The terms of the three (3) commissioners elected at the regular election November, 2016 shall expire at noon on the first Monday in December, 2020.

Thereafter a municipal election shall be held at the regular November election in even numbered years on the first Tuesday following the first Monday. The terms of the commissioners shall be for four (4) years following the election conducted in 2014.

The terms of all Commissioners elected shall begin at the first regular meeting following the date of their election.

Section 4. No informalities in conducting any election held under this charter shall invalidate such election if it is conducted fairly and in substantial conformity with the requirements of this Article.

Section 5. The City of Savannah, Tennessee, at the majority vote of the City Commission to place certain questions on the ballot to be submitted to the voters of the City of Savannah, on matters of general and vital concern in order to obtain the advice and direction of the voters as to such matters. Such referenda shall be advisory and nonbinding. [As added by Priv. acts 1979, Ch. 21, sec. 1, and replaced by Priv. Acts 2010, Ch. 48, § 1]<sup>1</sup>

## ARTICLE V

### BOARD OF COMMISSIONERS

Section 1. Be it further enacted, That the Commissioners, at the first regular meeting after the first and each biennial election, shall elect one of their

number Mayor for a term of two years, and thus organized, the body shall be known as the Board of Commissioners.

Section 2. Be it further enacted, That any qualified voter of the city shall be eligible for election to the office of Commissioners, provided that a failure to continue to reside in said city shall vacate his office.

Section 3. Be it further enacted, That no person shall become a Commissioner who shall have been convicted of malfeasance in office, or other corrupt practice, or crime, or of violating any of the provisions of Section 3645 of the Code of Tennessee in reference to elections, and if such Commissioner shall have been so convicted, he shall forfeit his office.

Section 4. Be it further enacted, That the salary of the mayor shall be two thousand four hundred dollars (\$2,400) per year, and the salary of each commissioner shall be one thousand eight hundred dollars (\$1,800) per year, all such salaries to be paid on a monthly basis. [As amended by Priv. Acts 1987, Ch. 26]

Section 5. Be it further enacted, That the legislative and all other powers except as otherwise provided by this charter are delegated to, and vested in the Board of Commissioners; and the Board of Commissioners may, by ordinance or resolution not inconsistent with this charter, prescribe the manner in which any powers of the city shall be exercised, provide all means necessary or proper therefor, and do all things needful within or without the city or state to protect the rights of the city.

Section 6. Be it further enacted, That the said Board shall exercise its powers in session duly assembled, and no member or group of members thereof shall exercise or attempt to exercise the powers conferred upon the Board except through proceedings adopted at some regular or special session.

Section 7. Be it further enacted, That the Board of Commissioners shall by ordinance fix the time and place at which the regular meetings of the said Board shall be held, and until otherwise provided by ordinance, the regular meetings of said Board shall be at 7:00 o'clock P.M. on the first Thursday of each month.

Section 8. Be it further enacted, That whenever, in the opinion of the Mayor, City Manager, or any two Commissioners, the welfare of the city demands it, the Mayor or the Recorder shall call special meetings of the Board of Commissioners

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<sup>1</sup>Priv. Acts 1979, Ch. 21 also purports to amend Priv. Acts 1970, Ch. 319. However, Priv. Acts 1970, Ch. 319 was passed by the legislature, but rejected locally; therefore, it was void and could not be amended.

upon at least twelve hours' written notice to each Commissioner, the City Manager, Recorder, and City Attorney or Attorneys, served personally or left at his usual place of residence; provided, however, that the notice herein provided may be waived in writing, and if the person not receiving notice is personally present, the same will be considered a waiver of such notice. Each call for a special meeting shall set for the character of the business to be discussed at such meeting, and no other business shall be considered at such meeting.

If any ordinance of a penal nature or granting a franchise or ordering public improvement or bond issue is to be considered at a special meeting, notice thereof shall be published not less than three days prior to such meeting.

Section 9. Be it further enacted, That the Mayor shall preside at all meetings of the Board of Commissioners.

Section 10. Be it further enacted, That any vacancy in said Board shall be filled for the unexpired term by appointment by the remaining members thereof, provided, however, that no member shall be appointed under this section at any time when said Board already has one member so appointed, but in case of any additional vacancy the Board shall forthwith, by ordinance or election for the purpose of filling such additional vacancy; whereupon, said Election Commissioners shall immediately call such special election and appoint the necessary officers therefor, and said special election shall be held in the same manner and subject to the regulations in this charter respecting general city elections.

Section 11. Be it further enacted, That at the first meeting of the Board, and thereafter the first meeting after a general city election, said Board shall choose from its membership a member to act in the absence, inability, or failure to act of the Mayor.

Section 12. Be it further enacted, That such member shall act as Mayor during any temporary absence, inability or failure to act of the Mayor, and whenever a vacancy occurs in the office of the Mayor, such member will become Mayor and hold office as such for the unexpired term.

Section 13. Be it further enacted, That a majority of all members of said Board shall constitute a quorum, but a smaller number may adjourn from day to day or from time to time and may compel the attendance of the absentees in such manner and under such penalties as the Board may provide.

Section 14. Be it further enacted, That said Board may determine the rules of its proceedings, subject to this charter, and may arrest and punish by fine or imprisonment, or both, any member or other person guilty of disorderly or contemptuous behavior in its presence. It shall have the power and may delegate it to any committee to subpoena witnesses and order the production of books and

papers relating to any subject within its jurisdiction; to call upon its own officers or the chief of police to execute its process, and to arrest and punish by fine or imprisonment, or both, any person refusing to obey such subpoena or order.

No fine for any one offense under this section shall exceed fifty dollars, nor shall any imprisonment for any one offense exceed ten days, but each day's continuance in any refusal as aforesaid shall be a separate offense.

Its presiding officer or the chairmen of any committee may administer oaths to witnesses. It shall keep a journal of its proceedings, and the yeas and nays on all questions shall entered thereon.

Section 15. Be it further enacted, That all sessions of the Board shall be public and subject to change of plan in case of any emergency.

Section 16. Be it further enacted, That the Mayor, or a Commissioner, or any employee may be removed from office, for grave misconduct showing unfitness for public duty, or for permanent disability, by a majority vote of the other members of the Board voting for said removal. The proceedings for such removal shall be upon specific charges in writing, which, with a notice stating time and place of the hearing, shall be served on the accused or published one time in a newspaper circulating in the city.

The hearing shall be public and the accused shall have the right to appear and defend in person or by counsel, and shall by process of the board compel attendance of witnesses in his behalf. Such vote shall be determined by ayes and nays, and names of the members voting for or against such removal shall be entered in the journal.

Immediately upon the vote for removal the term of the accused shall expire, and his official status, power and authority shall cease without further action.

Any one removed hereunder may have the right of appeal.

In addition to the above, the provisions of the Statute of Tennessee known as the General Ouster Law, being Sections 1877-1902 of the Code of Tennessee, shall also apply and be enforced, and be in addition to the proceedings hereinabove stated.

The above provisions for removal shall apply only to such officers and officials as are elected or appointed for a definite term or tenure, and shall not apply to such employees or others as may be designated or appointed for an indefinite tenure.



## ARTICLE VI

ORDINANCES

Section 1. That all ordinances shall begin, "Be it ordained by the City of Savannah as follows;"

Section 2. Every ordinance shall be considered and adopted on two different days in open session before its adoption, and not less than one week shall elapse between the first consideration and adoption.

All ordinances shall take effect from and after their final adoption, unless otherwise provided therein, except in case of an emergency ordinance. An emergency ordinance may take effect from the days of its final passage, provided it shall contain the statement that an emergency exists and shall specify with definiteness the facts and reasons constituting such an emergency.

The unanimous vote of all members of the Board present shall be required to pass an emergency ordinance.

No ordinance making a grant, renewal or extension of a franchise or other special privilege shall ever be passed as an emergency ordinance. No ordinance shall be amended except by a new ordinance.

Section 3. That in all cases under the preceding section, the vote shall be determined by yeas and nays; the names of the members voting for or against an ordinance shall be entered upon the Journal.

Section 4. That every ordinance shall be immediately taken charge of by the Recorder and by him numbered, copied in an ordinance book, filed and preserved in his office.

Section 5. That all ordinances or the caption of the ordinance of a penal nature shall be published at least once in a newspaper of the city, and no such ordinance shall be enforced until ten (10) days after it is so published. [As replaced by Priv. Acts 2011, Ch. 21, § 1]

## ARTICLE VII

MAYOR

Section 1. Be it further enacted, That the Mayor shall preside at all meetings of the Board of Commissioners and perform such other duties consistent with his office as may be imposed by it, and he shall have a seat, a voice, and a vote, but no veto. He shall sign the journal of the Board and all ordinances on

their final passage, execute all deeds, bonds and contracts made in the name of the city, and he may introduce ordinances in the meetings of the Board of Commissioners.

Section 2. Be it further enacted, That the Mayor shall have power, and it is hereby made his duty, to perform all acts that may be required of him by any ordinance duly enacted by the Board of Commissioners, not in conflict with any provisions of this charter.

Section 3. Be it further enacted, That all legal process against the city shall be served upon the Mayor, City Manager, or Recorder, and it shall be the duty of the official upon whom served forthwith to transmit the process to the city Attorney, after writing thereon the time, place, and manner of service.

## ARTICLE VIII

### OFFICERS AND EMPLOYEES

Section 1. The Board of Commissioners shall appoint and fix the salary of the City Manager who shall serve at the will of the Board of Commissioners; provided, however, that said Board may make a contract with such person for a period not exceeding thirty-six (36) months, and during such period he shall not be removed, except for incompetence, malfeasance, misfeasance, or neglect of duty. In case of the City Manager's removal within such period he may demand written charges at a public hearing thereon before the Board of Commissioners prior to the date upon which his removal was to take effect, but the decision and action of the Commission may suspend him from duty. During the absence or disability of the City Manager the Commission shall designate some properly qualified person to perform his duties. [As replaced by Priv. Acts 2010, Ch. 48, § 2]

Section 2. Be it further enacted, That said Board of Commissioners shall fix the salaries of the Recorder, Chief of Police, Treasurer, City Attorney, members of the police force, Fire Chief, and such other employees of the city as may be required and established by ordinance. The Board of Commissioners shall establish and make provisions in appropriate ordinances for such other officers, agents, and employees as may be necessary. Said Board of Commissioners may delegate to the City Manager the authority to appoint such employees, together with the authority to remove such employees, and when so appointed may be removed by the Board. In all cases, however, the Board of Commissioners shall, by appropriate ordinance, fix the salary of the employees.

Section 3. Be it further enacted, That every officer, agent and employee holding a position upon an annual salary shall, before entering upon his duties, take and subscribe and file with the Recorder an oath or affirmation that he has all the qualifications named in this charter for the office or employment he is

about to assume, that he will support the Constitution of the United States, of the State of Tennessee, and the charter and ordinances of the city, and that he will faithfully discharge the duties of his office and employment.

Section 4. Be it further enacted, That the City Manager and every officer, agent and employee having duties embracing the receipt, disbursement, custody, or handling of money shall, before entering the receipt, disbursement, custody, or handling of money shall, before entering upon his duties, execute a fidelity bond with some surety in such amount as shall be prescribed by ordinance of the Board of Commissioners, except where the amount is prescribed in this charter, provided, said Board of Commissioners may authorize the execution of said bonds by personal security showing a net worth of more than the principal amount to said bond. All such bonds and securities thereto shall be subject to the approval of the Board of Commissioners; the cost of making said bonds is to be paid by the city.

Section 5. Be it further enacted, That in addition to all other powers conferred upon the City Manager, or Recorder that the surety, sureties, on any official bond are insufficient, the officer or employee shall be required to give additional bond, and if such officer or employee fails to give additional bond within twenty days after he shall have been notified, his office shall be vacant.

## ARTICLE IX

### CITY MANAGER

Section 1. Be it further enacted, That in addition to all other powers conferred upon the City Manager, he shall be the administrative head of the municipal government under the direction and supervision of the Board of Commissioners; and he shall be appointed without regard to his political beliefs and need not be a resident of the city or state at the time of his appointment.

During the absence or disability of the City Manager the Board of Commissioners may designate some properly qualified person to perform the functions of the City Manager.

The City Manager shall not be required to give his entire time to the affairs of the city unless the Board of Commissioners, when employing the City Manager, ay make his employment conditional upon his devoting his entire time to the interest of the city.

Section 2. Be it further enacted, That the powers and duties of the City Manager shall be:

(a) ENFORCEMENT OF ORDINANCES. -- To see that the laws and ordinances of said city are enforced, and, upon knowledge or information of any violation thereof, to see that prosecutions are instituted in the city's court.

(b) APPOINTMENT AND REMOVAL OF OFFICERS AND EMPLOYEES.--Except as in this charter provided and when authorized by ordinance, to appoint and removal all heads of departments and all subordinate officers and employees, all appointments to be made upon merit and fitness alone.

(c) TO SUPERVISE AND CONTROL. -- The work of the Recorder, the Chief of Police, Fire Chief, City Attorney, and all other officers of all departments and divisions created by this charter, or which hereafter may be created by the Board of Commissioners.

(d) PUBLIC UTILITIES AND FRANCHISES. -- To see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility or franchise are faithfully done, kept and performed, and upon knowledge or information of any violation thereof, call the same to the attention of the City Attorney, who is hereby required to take such steps as are necessary to enforce the same.

(e) MEETINGS OF BOARD, DISCUSSION BUT NO VOTE. --To attend all meetings of the Board of Commissioners, with the right to take part in the discussion, but not to vote.

(f) RECOMMENDATIONS TO BOARD. -- To recommend to the Board of Commissioners for adoption such measures as he may deem necessary or expedient.

(g) BUDGET COMMISSIONER: FINANCIAL CONDITION. -- To act as budget commissioner and keep the Board of Commissioners fully advised as fixed by the Board of Commissioners in ordinances duly enacted.

(h) PURCHASING AGENT. --To act as purchasing agent for the city and to purchase all material, supplies and equipment for the proper conduct of the city's business, the purchases to be made as in this charter provided, and as fixed by the Board of Commissioners in ordinances duly enacted.

(I) MAXIMUM EXPENDITURES BY CITY MANAGER. --The Board of Commissioners shall prescribe by ordinance the maximum expenditure which the City Manager may make without specific authorization of the Board, and shall prescribe rules and regulations for competitive bidding, but no purchase shall be made at any one time in an amount which in the aggregate will exceed public advertisement and an award made to the lowest bidder.

(J) OTHER DUTIES. --To perform such other duties as may be prescribed by this charter, or required of him by resolution or ordinance of the Board of Commissioners. [As amended by Priv. Acts 1977, Ch. 3, sec. 1; Priv. Acts 1984, Ch. 226, sec. 1, and Priv. Acts 2010, Ch. 48, § 3]

Section 3. Be it further enacted, That the Board of Commissioners may prescribe by ordinance that the City Manager shall perform the duties of the City Recorder and City Judge until such time as said Board may provide otherwise.

## ARTICLE X

CITY ATTORNEY

Section 1. Be it further enacted, That the Board of Commissioners shall elect or employ a City Attorney who shall be an attorney-at-law, entitled to practice in all the courts of the state, such Attorney to be paid such fee as fixed by the Board of Commissioners, payable at such time as said Board may fix. The employment of such Attorney may be terminated at any time by the Board, and said Attorney may resign at any time, notwithstanding the fact that said Attorney may have been elected or employed for a longer term.

Section 2. Be it further enacted, That the City Attorney shall direct the management of all litigation in which the city is a party, including the functions of prosecuting attorney in the city courts, represent the city in all legal matters and proceedings in which the city is a part or interested, or in which any of its officers are officially interested, attend all meetings of the Board of Commissioners, advise the Board of Commissioners and committees or members thereof, the City Manager and the heads of departments and divisions as to all legal questions affecting the city's interest; and approve as to forms all contracts, deeds, bonds, ordinances, resolutions, and other documents to be signed in the name or, made by or with the city. Such city Attorney shall file all suits for the collection of delinquent taxes and special assessments, as hereinafter provided.

Section 3. Be it further enacted, That the said City Attorney may be employed by the Board of Commissioners for specific service in litigation, or otherwise not hereinabove enumerated, and the Board of Commissioners may fix his compensation for such additional service. The Board may, in its discretion, also employ competent and efficient counsel to aid the City Attorney in special matters or litigation in which the city is involved or interested, and fix his compensation therefor, or in such special matters or litigation the Board may employ competent and efficient counsel to act without the aid of the City Attorney, and fix his compensation for such service.

## ARTICLE XI

RECORDER AND TAXATION

Section 1. Be it further enacted, That it shall be the duty of the Board of Commissioners, unless by ordinance such authority has been conferred upon the City Manager, to elect or employ a competent and suitable person to be the Recorder of said city.

The salary of the Recorder shall be fixed by the Board of Commissioners. The Recorder shall execute a surety bond in the sum of not less than Five

Thousand (\$5,000.00) Dollars, as may be provided by ordinance. He shall have the power to administer oaths.

It shall be the duty of the Recorder to be present at all meetings of the Board of Commissioners and to keep a full and accurate record of all business transacted by said Board, the same to be preserved in permanent form.

The Recorder shall have custody of, and preserve in office, the city seal, public records, original rolls of ordinances, ordinances books, minutes of the Board of Commissioners, contracts, bonds, title deeds, certificates, and papers, all official indemnity or surety bonds (except his bond, which shall be in the custody of the Mayor), and all other bonds, oaths, affirmations, and all other records, papers and documents not required by this character or by ordinance to be deposited elsewhere, and register them by numbers, dates and contents, and keep an accurate and modern index thereof.

When required by any offer or citizen, the Recorder shall provide certified copies of records, papers and documents in his office, and charge therefor, for the use of the city, such fees as may be provided by ordinance; he shall cause such copies of ordinances to be printed as may be directed by the Board of Commissioners, and keep them in his office for distribution.

Section 2. Be it further enacted, That it shall be the duty of the Recorder in each year as soon as the assessment roll for the city is complete to submit to the Board of Commissioners a certified statement of the total amount of the valuation or assessment of the taxable property for the year within the city limits (including the assessment of all public utilities as certified by the Railway and Public Utility Commission), together with a certified statement of the revenue derived by the city from privilege taxes, merchants' and valorem taxes, street taxes, fines for the preceding fiscal year and miscellaneous revenue. Upon presentation of such statement by the Recorder, the Board of Commissioners shall proceed by ordinance to make the proper levy to meet the expenses of the city for the current fiscal year. Said levy should be made by the Board at its regular meeting in September of each year.

Section 3. Be it further enacted, That it shall be the duty of the Recorder immediately after the levy of taxes by the Board of Commissioners to cause the said levy to be extended upon such tax book prepared by the Recorder in the same manner that extensions are made upon the tax books in the hands of the county trustee.

Section 4. Be it further enacted, That all taxes due the city except privilege and merchants' ad valorem taxes shall, unless otherwise provided by ordinance, be due and payable on the first Monday of October of the year for which the taxes are assessed.

The Recorder shall be the custodian of the tax books and shall be the tax collector of the city, provided, however, that the Board of Commissioners, by ordinance, may provide for such assistants as deemed by said Board necessary.

Distress warrant may issue for the collection of taxes, and any such distress warrant shall be executed by the Chief of Police or any policeman of the city by a levy upon and sale of goods and chattels under the same provisions as prescribed by law for the execution of such process of Justice of the Peace.

Section 5. Be it further enacted, That all municipal taxes on real estate in the city, and all penalties and costs accruing thereon, are hereby declared to be a lien on said realty from and after the 10<sup>th</sup> day of January of the year for which the same are assessed, superior to all other liens except the liens of the United States, State of Tennessee, and Hardin County, for the taxes legally assessed thereon, with which it shall be a lien of equal dignity. No assessment shall be invalid because the size and dimensions of any tract, lot or parcel of land shall not have been precisely named or the amount of the valuation or tax not correctly given, nor because the property has been assessed in the name of the person who did not own the same, nor because the same was assessed no known owners, nor on account of any objections or informalities merely technical, but all such assessments shall be good and valid. The lien of said taxes on said realty shall extend to the fee and be an assessment against such realty. The Board of Commissioners shall have power to correct any errors in the tax assessment upon a certificate filed by the assessor or assessing body.

Section 6. Be it further enacted, That on the first day of March of the year following that for which the taxes were assessed, or other day provided by ordinance, a penalty of one per centum upon all taxes remaining unpaid shall be imposed and collected by the city and paid into the city treasury. An additional penalty of one per centum shall be added for each month thereafter the said taxes shall remain delinquent the same as state and county taxes.

Section 7. Be it further enacted, That the Board of Commissioners may, by ordinance passed by a majority vote, change the due date and delinquent date of all taxes and may provide for the semi-annual payment of taxes and a discount for the prompt payment thereof.

In case a semi-annual installment tax is made due and payable before the assessment and levy of taxes in the city for the current year is completed, the amount of the installment so collected as a part of the tax upon any property shall be not more than fifty per centum of the tax levied on said property for the preceding year; such installment to be credited on the current year's taxes when determined and levied.

Section 8. Be it further enacted, That the Recorder shall, under the provisions of the general laws of the state for the collection of delinquent taxes, certify to the trustee of the county a list of all real estate upon which municipal taxes remain due and unpaid, or which is liable for sale for other taxes, and the same shall be sold in like manner and upon the same terms and conditions as real estate is sold for delinquent state and county taxes.

Section 9. Be it further enacted, That the Board of Commissioners shall have the power, and is hereby given authority, to file bills in the chancery court in the name of the city for the collection of assessment and levies made for payment for improvements or service in said city, such as paving sidewalks, curbing, guttering sewers, and other improvements, or services for which assessments may be made under the charter, or by any Acts of the Legislature, the cost of which is made a charge on property, the cost of which is made a charge on property owners abutting said improvements, and a lien on abutting property, the suits commenced by said bills to be conducted as other suits in chancery for the enforcement of like liens, and under the rules of laws and practice provided for the same; provided, that the bills shall not be objectionable because the owners of different parcels or lots of land are made parties thereto, it being the intention that all person in the same improvement district are liable for portions of the same assessment and levy for improving a portion of the city as aforesaid, and on which property said assessment or levy is a lien, and shall be made parties defendant to one bill.

Section 10. Be it further enacted, That the Recorder shall, on the first day of February following the date upon which the taxes assessed against any of the real property within the city become delinquent, certify to the City Attorney a list setting out the names of the delinquent taxpayers, the description of said property as appears upon the tax rolls, the amount due and for what years due, for a bill to be filed by said Attorney in the name of the city, in either the chancery or circuit court, to enforce the lien on the real estate against which said taxes have been assessed, and for the recovery of a decree against the delinquent taxpayers for the amount of the taxes, and to subject the real estate against which said taxes are assessed to sell for the payment of such delinquent taxes, with two years granted from the date of sale in which the taxpayer may redeem said land so sold, all as now provided by law for the enforcement of liens for delinquent state and county taxes, and all suits brought for the enforcement of liens for state and county taxes.

Such suit shall be brought in either the chancery court or circuit court of Hardin County, Tennessee, and all persons owing delinquent taxes to said town may be made defendant to the bill filed for the enforcement of said tax liens, and such bills shall not be multifarious by reason thereof.

## ARTICLE XII

### RECORDER AS FINANCE OFFICER

Section 1. Be it further enacted, That the Recorder shall be the head of the Department of Finance, and as head of said department shall exercise a general supervision over the fiscal affairs of the city, and a general accounting



supervision over all the city's property, assets and claims, and the disposition thereof. He shall be the general accountant and auditor of the city; he shall have custody of all records, papers, and vouchers relating to the fiscal affairs of the city and the records in his office shall show the financial operations and conditions, property, assets, claims, and liabilities of the city, all expenditures authorized and all contracts in which the city is interested. He shall require proper fiscal accounts, records, settlements, and reports to be kept, made, and rendered to him by the several departments and officers of the city, including all deputies or employees of his department charged with the collection of revenue.

The Recorder, with the approval of the City Manager, shall cause an efficient system of accounting for the city to be installed and maintained.

Section 2. Be it further enacted, That the Board of Commissioners may, by ordinance, provide for a City Treasurer, and until so provided, all the duties of the Treasurer shall be performed by the Recorder. The ordinance so providing for the City treasurer shall prescribe the duties to be performed by him, which may include the collection, receipt, and disbursement of all city revenue, including revenue from bonds of the city and the proceeds of bond issues, the execution of receipts for taxes and all other revenue due the city; and any and all other duties that may be provided by said ordinance.

Section 3. Be it further enacted, That, except as this character or by law or ordinance otherwise provided, the Recorder shall prescribe and regulate the manner of paying creditors, officers, and employees of the city. He shall audit all payrolls, accounts and claims against the city, and certify thereon the balance as stated by him, but no payroll, account, or claim, or any part thereof, shall be audited against the city or paid unless authorized by law or ordinance and approved and certified by the City Manager and the head of the department for which the indebtedness was incurred, and the amount required for payment of the same appropriate for that purpose by ordinance and in the treasury. Whenever any claim shall be presented to the City Reorder, he shall have power to require evidence that the amount claimed is justly due, and is in conformity to law and ordinance, and for that purpose he may summon before him any officer, agent, or employee of any department of the municipality, or any other person, for examination upon oath or affirmance relative thereto. The City Manager, Recorder and head of the department concerned, and their sureties, shall be liable to the municipality for all loss or damages sustained by the municipality by reason of the corrupt approval of any claim against the municipality.

Section 4. Be it further enacted, That, subject to the provisions of the foregoing Section, vouchers shall be issued by the Recorder, and all checks in payment of such vouchers shall be signed by the Recorder and countersigned by the City Manager; provided, the Board of Commissioners has provided by ordinance for a City Manager and a Recorder; while the City Manager is performing the duties of the Recorder, the Board of Commissioners shall designate some other person to countersign said checks. Each volunteer shall

specify the particular departmental fund against which it is drawn and shall be payable out of no other fund. Any officer or employee in the Recorder's office may be designated by him to draw vouchers with the same effect as if signed by the Recorder, such designation to be in writing, in duplicate, filed with the City Manager and approved by him; provided, that the City Manager may make such designation if the Recorder be absent or disabled, and there be no one in his office designated to act. Any such designation may be revoked by the City Manager or Recorder while acting as such by filing the revocation in duplicate with the other executive at interest.

Section 5. Be it further enacted, That no contract, agreement or other obligation involving the expenditure of money shall be entered into, nor shall any ordinance, resolution or order for the expenditure of money be passed by the Board of Commissioners or be authorized by any officer for the city, unless the Recorder shall first certify to the Board of Commissioners or the proper officer, as the case may be, that the money required for such contract, agreement, obligation, or expenditure, and no contract, agreement or other obligation involving the expenditure of money payable from proceeds of bonds of the city shall be entered into until the issuance and sale of such bonds have been duly authorized in accordance with the provisions of this charter in reference to city bonds, or as may be provided by general law.

Section 6. Be it further enacted, That no contract liability shall be incurred without previous authority of law or ordinance, but the Board of Commissioners may, by ordinance, empower the proper officials to pay out money or incur contract liability for the city for the necessary preservation of the city's credit, or in other extreme emergency, under such restrictions as may be provided in said ordinance, provide that any such liability shall mature not later than one year from date of its incurrence.

Section 7. Be it further enacted, That the treasurer shall be the custodian of all sinking funds established for retiring bonds of the city, to be managed in accordance with the provisions of this charter and the law governing such sinking fund. Depositories of the city funds shall be designated by the Board of Commissioners by ordinance.

Section 8. Be it further enacted, That the Recorder shall cause all forms used, either in connection with the receipt or disbursement of city funds, to be numbered consecutively, and all spoiled or unused forms shall be accounted for.

The Recorder shall perform any and all other duties imposed upon him by this charter, or by ordinance.

In the event of the temporary absence or disability of the Recorder, the City Manager may act as such or may appoint a Recorder pro tempore, who, while acting, shall perform all of the duties of the Recorder.

## ARTICLE XIII

TAXATION AND REVENUE

Section 1. Be it further enacted, That the assessment, levy and collection of taxes and special assessments shall be in charge of the Department of Finance, subject to the limitations elsewhere found in this charter.

Section 2. Be it further enacted, That all property, real, personal and mixed, subject to state, county and city taxes, and all privileges taxable by law, shall be taxed, and taxes thereon collected by the city for municipal purposes, as hereinafter provided.

Section 3. Be it further enacted, That the ad valorem tax on merchants, stocks, accounts and equipment may be assessed and collected in like manner as state and county merchants' ad valorem tax is assessed upon the same property. It shall be the duty of the county tax assessor and of the Railroad and Public Utilities Commission of Tennessee to prepare a separate assessment book or roll, showing real, personal and mixed property assessable by him (or it) lying within the limits of the city.

Section 4. Be it further enacted, That these records shall be certified to the Recorder of the city upon the completion of the work of the boards of equalization after they have been copied by the county court clerk or the proper officer of the State.

Section 5. Be it further enacted, That the Board of Commissioners shall have full power to levy and collect taxes as of January 10<sup>th</sup> of each and every year.

Section 6. Be it further enacted, That the Board of Commissioners shall by ordinance provide for a Tax Assessor, Assessors, and which ordinance shall prescribe the method of appointment of said Assessor, or Assessors, and the compensation to be paid.

It shall be the duty of said Assessor to assess all of the property within the limits of said city, both real, personal and mixed, at its fair cash value as of January 10<sup>th</sup> of each year, and as nearly as possible assess all property at a uniform valuation, the Assessor to complete his assessment and certify the same to the Recorder by and not later than the first day of August of each year.

At the regular meeting of the Board of Commissioners in August of each year said Board shall sit as a board of equalization and may hear complaints of any taxpayers, and raise or lower his assessment as fixed by the Assessor according to the facts presented to it, with the right of appeal granted to the taxpayer to the proper authorities. All real, personal, and mixed property shall be assessed at its fair cash value, observing at all-time uniformity of taxation as nearly as possible.

Section 7. Be it further enacted, That the Recorder, as soon after the work of the Board of Commissioners as a board of equalization has been completed, and as soon after the fixing of the tax rate by said Board of Commissioners, make or cause to be made a tax book similar in form to that required by the laws of the state to be made out for the county trustee, embracing all the property and persons liable for tax within the city, giving a reasonable description of the property assessed, the assessed value thereof, the taxes due thereon, and the name of the person to whom assessed, which book when completed and certified by the Recorder shall be the assessment for taxes in said city for municipal purposes; provided, that there may be an assessment by the Recorder at any time of any property subject to taxation found to have been omitted, and such assessment shall be duly noted and entered on the assessment books of the city.

Section 8. Be it further enacted, That said Board of Commissioners is hereby empowered and authorized to provide by ordinance for the assessment, levy and collection of all taxes upon all of the property within the limits of said city, the same to be done in the same manner as the assessment, levy and collection of taxes for state and county purposes, and all the laws relating to the assessment, levy and collection of taxes by state and county officers shall apply to all of the officers, agents and employees of the city.

#### ARTICLE XIV

##### LICENSE TAXES

Section 1. Be it further enacted, That license taxes may be imposed by ordinance upon any and all privileges, business, occupations, locations, pursuits or callings, or any class or classes thereof, now or hereafter subject to such taxation under the laws of Tennessee, and a separate license tax may be imposed for such place of business conducted or maintained by the same person, firm or corporation.

The Recorder shall enforce collection of merchants' taxes and all other license taxes, and for the purpose shall have and exercise the powers by law vested in and followed by the procedure and methods prescribed for county court clerks.

#### ARTICLE XV

##### CITY BONDS

Section 1. Be it further enacted, That some of the purposes hereby especially authorized for which the bonds of the city may issue and be given, sold, pledged, or disposed of on the credit of the city, or solely upon the credit of specific property owned by the city, or solely upon the credit of income derived from any

property used in connection with any public utility owned or operated by the city, or upon any two or more credits, are the following:

For the acquiring of land for the purchase, construction, reconstruction, or extension of water works, public sewers, streets, alleys, buildings and equipment for the fire department, bridges and viaducts, gas or electric light work, power plants, police patrols and fire alarm systems; for hospitals, jails, workhouses, and other charitable, corrective, and penal institutions; for courthouses, libraries, and other public buildings, public parks, parkways, boulevards, grounds, squares, wharves, river terminals or ports and any other public improvements which the city may be authorized or permitted to make; for the purchase of lands or other property, real or personal, for school purposes, and for the purchase of playgrounds, either in connection with the school or separate therefrom, and for paying, refunding, or removing any bond indebtedness of the city. The foregoing enumeration shall not be construed to limit any general provisions of this charter authorizing the city to borrow money or issue and dispose of bonds, and such general provisions shall be construed according to the full force and effect of their language as if no specific purpose has been mentioned, and the authority to issue bonds for any of the purposes aforesaid is cumulative, and shall not be considered to impair any authority in this chapter be a limitation or restriction upon the issuance of bonds under any of the general laws of the State of Tennessee for this issuance of bonds by the municipalities within the state, and the general laws and this charter shall be cumulative.

Section 2. Be it further enacted, That bonds may be so issued as to be payable on a specific date, or serially, or subject to call and redemption.

Section 3. Be it further enacted, That the Board of Commissioners may estimate the probable life of improvements proposed to be erected or purchased with the proceeds of any such bonds, and the term of such bonds shall not exceed such probable life, provided that such estimate, if erroneous, shall not affect the validity of such bonds.

Section 4. Be it further enacted, That all long term bonds may be sinking fund bonds and that the amount of the annual installments to be paid into the sinking fund shall be fixed by the Board of Commissioners for each bond issue.

Section 5. Be it further enacted, That no bonds of the city except bonds for paying, refunding, or removing bonded indebtedness, and except bonds issued under the provisions of Section 3408-3493 of the Code of Tennessee, and issued under any of the general laws of the State of Tennessee for the issuance of bonds by municipalities now in force, or that may be hereafter enacted, provided to the contrary, shall be issued without the assent of a majority of those voters actually voting at any election held for that purpose.

Section 6. Be it further enacted, That the Board of Commissioners may, by ordinance, call, provide for and regulate elections held respecting bond issues,

and may prescribe all forms, proceedings, and other matters with respect to any such elections, and the amounts, purposes, issue and disposition of bonds.

Section 7. Be it further enacted, That it shall not be the necessary in the ordinance calling the election, in the notice of election, in the question submitted or on the ballot, or in any of the matters preceding the said election, to state the amount of the bonds proposed to be issued for each purpose, but it shall be sufficient for the ordinance and notice of election to state the total amount of bonds proposed to be voted upon at the said election, and in general language the purpose, or purposes, for which such total amount is to be used; and if a majority of the voters of the city voting at such election assent to the issuance of the amount of bonds, then such amount may be issued and such bonds or the proceeds thereof may from time to time by ordinance adopted by the Board of Commissioners be appropriate in any amount or amounts to the purpose, or purposes, for which such total amount was voted.

Section 8. Be it further enacted, That when any bonds, interest coupons, or other written evidence of the city's debt shall be paid and discharged, they shall be cancelled by the Recorder.

Interest coupons and other evidences of debt shall be cancelled by stamping and punching immediately upon their redemption.

The cancelled bonds, coupons, and other evidences of debt shall be exhibited to and verified by the Board at its next meeting, and shall be filed and presented for examination in annual audits.

## ARTICLE XVI

### SINKING FUND

Section 1. Be it further enacted, That all sinking funds of the city may be interested by the City Manager and the Recorder by and with the consent of the Board of Commissioners in bonds of the United States, of the State of Tennessee, or of the City of Savannah at the best price and upon the best terms obtainable.

Section 2. Be it further enacted, That the City Manager, and Recorder, by and with the consent of the Board of Commissioners, may sell the securities belonging to a sinking fund, or any part of them, at any time when the proceeds thereof may be needed for the payment of bonds, at the best price and upon the best terms obtainable.

Section 3. Be it further enacted, That the City Manager and the Recorder, by and with the consent of the Board of Commissioners, may exchange any bonds belonging to a sinking fund, or other bonds of the city whenever such exchange may be advantageous for the city.

Section 4. Be it further enacted, That if any amount of any sinking fund, with the interest or revenue thereof, computed to the maturity of the city bonds, be sufficient to pay at maturity all of the bonds for which it is held, the levy of the tax for such sinking fund may then be omitted, but, if by reason of decrease of interest, or depreciation of investment or other cause said fund shall not be sufficient, the levy shall be resumed.

Section 5. Be it further enacted, That any moneys remaining in a sinking fund, after payment of the entire bonded debt for which it was accumulated, shall be paid into the general fund.

## ARTICLE XVII

### BUDGET AND APPROPRIATIONS

Section 1. Be it further enacted, That the finance officer shall be the budget commissioner. The fiscal year of the city shall begin on the first day of July of each year, unless otherwise provided by ordinance.

The finance officer shall, on or before the regular monthly meeting of the board in May of each year, submit to the board of commissioners an estimate of the expenditure and revenue of the city for the ensuing fiscal year. This estimate shall be compiled from detailed information obtained from the several departments on uniform blanks to be furnished by the finance officer.

The classifications of the estimate of expenditures shall be as nearly uniform as possible for the main functional divisions of all departments, and shall give the following information:

- (a) An accurate statement of any operating deficit for the preceding fiscal year;
  - (b) Expenditures, when possible, stated separately, by department for the past two (2) years;
  - (c) Current fiscal year budgeted amounts for all items;
  - (d) Expenditures for corresponding items for the current fiscal year plus an estimate of expenditure necessary to complete the current fiscal year;
  - (e) The recommendation of the finance officer as to the amounts to be appropriated in such details as the board of commissioners may direct;
  - (f) Such other information as is required by the Board of Commissioners, or that the finance officer may deem advisable to submit.
- [As replaced by Priv. Acts 1987, Ch. 27]

Section 2. Be it further enacted, that upon receipt of such estimates the Board of Commissioners shall prepare a tentative appropriation ordinance, which shall be published in a newspaper of the city not less than one (1) week before it is taken up for consideration by the Board of Commissioners at the next regular

meeting, and all voters and taxpayers may appear at that meeting and be heard in person or by attorney. The appropriation ordinance for each fiscal year shall be finally adopted the first day of the fiscal year. [As replaced by Priv. Acts 1987, Ch. 27]

Section 3. Be it further enacted, That at the end of each fiscal year, all unencumbered balances or appropriations in the treasury shall revert to the general fund and be subject to further appropriations. [As replaced by Priv. Acts 1987, Ch. 27]

Section 4. Be it further enacted, That the finance officer shall be responsible for limiting expenditures and obligations to the amounts of appropriations for all departments, and shall establish and maintain such systems of allotments and require the installation and maintenance of such system of accounts and records, and prescribe such purchasing procedure as may be necessary to that end. He shall present a monthly budget statement to the board of commissioners, comparing amounts of receipts and of expense allotted to the lapsed portion of the fiscal year with the receipts actually incurred, and in general disclosing the condition of the budget. The finance officer and the Board of Commissioners, shall do all other things, not in conflict with this charter, which may be necessary to maintain a balanced budget for the city government. [As replaced by Priv. Acts 1987, Ch. 27]

Section 5. Deleted. [As replaced by Priv. Acts 1987, Ch. 27]

## ARTICLE XVIII

### DEPARTMENTS

Section 1. Be it further enacted, That in order that the work and affairs of the city may be classified and arranged conveniently and conducted efficiently, there are hereby established the following departments:

- (1) Department of Finance
- (2) Department of Public Safety
- (3) Department of Public Works
- (4) Department of Public Welfare
- (5) Department of Public Utilities
- (6) Department of Police
- (7) Fire Department
- (8) And other such departments as the Board of Commissioners may establish by ordinance

Section 2. Be it further enacted, That the Board of Commissioners shall fix all salaries, not fixed by this charter, in all departments, prescribe the duties



and functions of all departments except as fixed by this charter, and may by two-thirds vote of its entire membership create new departments, combine or abolish existing departments, or establish temporary departments for special work.

Section 3. Be it further enacted, That the City Manager shall supervise and control all departments now or hereafter created, except as otherwise provided by this charter, or as may be provided by ordinance creating and establishing such departments.

## ARTICLE XIX

### POLICE FORCE

Section 1. Be it further enacted, That the Board of Commissioners, unless the City Manager has been authorized so to by said Board, shall appoint a Chief of Police and such patrolmen and other members of the police force as may be provided by ordinance.

It shall be the duty of the Chief of Police and the members of the police force to preserve order in the city, to protect the inhabitants and property owners therein from violence, crime, and all criminal acts, prevent the commission of a crime, violations of law and of the city ordinances, and perform a general police duty, execute and return all processes, notices, and legal orders of the Mayor, City Manager, City Attorney, Recorder, and those issuing from the city court, and all other processes, notices and orders as in this charter, or by ordinance may be provided.

Section 2. Be it further enacted, That, in time of riot or other emergency, the Mayor or the City Manager shall have power to summon any number of male inhabitants of the city to assist the police force.

Members of the police force, whenever necessary for the purpose of enforcing the ordinances of the city, shall procure the issuance of warrants, serve the same, and appear in the city courts as prosecutors, relieving complaining citizens in as far as practical of the burden of instituting cases involving the violation of city ordinances, but this Section shall not be construed to relieve any person from the duty of appearing in court and testifying in any case.

Section 3. Be it further enacted, That the Chief of Police and other members of the police force shall receive salaries to be fixed by the Board of Commissioners. The Board of Commissioners shall require and fix the penalty of the bonds to be executed by the Chief of Police and other members of the police force, and prescribe the conditions thereof, so as to protect the city.

## ARTICLE XX

FIRE DEPARTMENT

Section 1. Be it further enacted, That the Board of Commissioners unless the City Manager has been authorized so to do, shall appoint a chief of the fire department, and such other members of said department as may be provided by ordinance.

It shall be the duty of the fire department and the members thereof to take all proper steps for fire prevention and suppression, and elimination of conditions which create fire hazard.

Section 2. Be it further enacted, That the chief of the fire department, or any assistant of such chief in charge at any fire, shall have the same police powers at such fire as the chief of police, under such regulations as may be prescribed by ordinance.

Section 3. Be it further enacted, That the Board of Commissioners, unless the City Manager has been authorized so to do, may appoint a fire marshal, or designate a member of the fire department, whose duty shall be, subject to the chief of the fire department, to investigate the cause, origin, and circumstances of fires and the loss occasioned thereby, and assist in the prevention of arson.

## ARTICLE XXI

WATER DEPARTMENT

Section 1. Be it further enacted, That the Board of Commissioners is hereby authorized and empowered to establish a water and sewerage department under the provisions of Chapter 68 of the Public Acts of 1933, the same being Sections 3695.1-3695.25 of the Code of Tennessee, and all the provisions, conditions, privileges, powers and authority contained in said Act are made a part hereof.

## ARTICLE XXII

CITY COURT AND JUDGE

Section 1. Be it further enacted, That there be and hereby is established and constituted for said City of Savannah a city court, with exclusive jurisdiction

to try all offenses for the violation of city ordinances and by-laws; and said court shall have all the power and exercise all the functions of and concurrent jurisdiction with justices of the peace within corporate limits of the city, with respect to the cases or actions involving violations of the state criminal laws.

Section 2. Be it further enacted, That the city court shall have power and authority to impose fines, costs and forfeitures; and to punish by fine or imprisonment, or both, for violations of city ordinances; to enforce and preserve order in court to enforce the collection of all such fines, costs, and forfeitures imposed, and, in default of the payment or of good and sufficient security given for the payment of such fines, costs, or forfeitures imposed, shall have the power, and it shall be the duty of the court to commit the offender to the workhouse or to other place provided for such purpose and to such labor as may be provided by ordinance, until such fine and costs, or forfeitures, shall be fully paid, at the same rate of allowance per day as if prescribed by law in case of violations of the laws of the State in small offense cases. The City Judge shall have the exclusive right to remit or suspend, with or without condition, fines and costs imposed for violation of any ordinance or charter provision.

Section 3. Be it further enacted, That no person , officer or employee, whomsoever, other than the City Judge, shall have the right or power or be permitted to remit in whole or in part any fine or cost imposed by the City Judge, or to release any prisoner waiting trial or otherwise, except on the order of the City Judge; and any person violating this Section shall be guilty of a misdemeanor punishable by a fine of not less than \$50,000, nor more than \$250,000, and shall forfeit his office; provided, that in case of an emergency incident to illness or accident, prisoners may be released on order of the City Physician.

Section 4. Be it further enacted, That any person dissatisfied with the judgment of the court, in any case or cases heard and determined by the court, may within two<sup>1</sup> entire days thereafter, Sunday excluded, appeal to the next Circuit Court for Hardin County, Tennessee, upon giving bond with good and appearance before said Circuit Court, or to pay such fines, costs and forfeitures as may be imposed upon affirmance by said Circuit Court, provided, however, that in prosecutions for violations of city ordinances the bond shall not exceed \$250,000.

Section 5. Be it further enacted, That a warrant shall be issued for each offender for each offense on affidavit, or said warrant may embrace all the parties charged with the same offense. No arrest shall be made except upon a warrant duly issued, unless the offense is committed in the presence of the officer making the arrest, or unless in case of a felony, and provided that the warrant may be issued in cases of violation of city ordinances at the time of the trial for such offense. The affidavit upon which the warrant is issued shall especially state the offense charged and the warrant shall run in the name of the State.

Section 6. Be it further enacted, That all fines, costs and forfeitures imposed by the City Court for violations of city ordinances shall belong to and be paid into the treasury of the city; and any labor performed in the execution of a workhouse or prison sentence for such violation or violations shall be performed for the city under the direction of the City Manager, or by official agreement for the county through the proper official.

Section 7. Be it further enacted, That the City Judge in all cases heard or determined by him for offenses against the corporate laws and ordinances shall tax in the bill of costs the same amounts for the same items allowed in courts of justices of the peace for similar work in State cases, and in addition shall add thereto \$1.00 as the tax on the same in lieu of the State tax, together with the cost of boarding and keeping the defendant in jail prior to the time of trial. He shall certify to the Chief of Police, for collection, all fines, costs and forfeitures imposed by him for offenses against the laws and ordinances of the city. All costs taxed by the City Court in cases involving offenses against corporate ordinances, or on account of work performed in the case involving offenses against corporate ordinances, or on account of work performed in the case by anyone paid a fixed salary by the city, shall belong to the city, and, when collected, be paid into the city treasury. It shall be the duty of the City Judge to receive and receipt for all money paid on fines, costs and forfeitures imposed by him, and he to the city Recorder, and a monthly report to the Board of Commissioners of all fines and costs collected, and all assessed and uncollected. The City Judge shall enforce the collection of fines, costs and forfeitures imposed by him by execution in the same manner as due justices of the peace and clerks in courts of record.

Section 8. Be it further enacted, That the City Judge shall keep, or cause to be kept, a court docket embodying complete detailed records of cases handled by him.

Section 9. Be it further enacted, That the Board of Commissioners of said city shall appoint a duly qualified and competent resident of said town as City Judge, for such term as said Board may prescribe by ordinance. The Board of Commissioners may appoint the Recorder as City Judge. The City Judge shall preside over and hold the City Court provided for in this Article. Before entering upon the duties of his office he shall take and subscribe to the oath provided for other city officials.

Section 10. Be it further enacted, That the City Judge elected by the Board of Commissioners shall be paid a fixed monthly salary, or compensation, in such amount as may be determined by the Board of Commissioners by ordinance

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<sup>1</sup>Tennessee Code Annotated, section 27-5-101 provides for ten (10) days and supersedes this provision of the charter.

duly enacted, and he shall be entitled to no other compensation, fees or commissions as such City Judge. A failure to continue to reside in said city shall operate to vacate said office, and the Board of Commissioners may declare said office, and the Board of Commissioners may declare said office vacant, and fill the vacancy thus created.

Section 11. Be it further enacted, That in the event of absence, incompetency, or other disability of a presiding officer of said court, the Board of Commissioners is authorized and empowered to appoint a temporary City Judge, who shall act in the same powers and shall perform the same duties hereby bestowed and imposed upon the presiding officer of said court.

Section 12. Be it further enacted, That the Chief of Police and all assistant policemen and patrolmen are hereby empowered and required to serve processes of any kind or character issued out of the city court, and to serve process in criminal matters issued by any justice of the peace within the city, and also to serve any and all processes which may be issued by any court in Hardin County in any proceeding instituted for the enforcement of any city ordinance, or to punish for violation thereof, or for the collection of any fines or forfeitures which may be incurred under the ordinances of the city.

Section 13. Be it further enacted, That subpoenas for witness issued from said city court may be served in any county in this State by any officer, under the same rules governing like processes issuing from the courts of record in this State.

Section 14. Be it further enacted, That said City Judge shall also perform such other duties as may imposed on him by the Board of Commissioners in connection with his office as city Judge, and he shall give bond in an amount to be fixed by the Board of Commissioners, conditioned to faithfully account for and pay to the City Treasurer all fines, costs and forfeitures collected by him.

## ARTICLE XXIII

### ADVERTISEMENT FOR PUBLIC WORKS

Section 1. Be it further enacted, That any public works or improvement costing more than four thousand dollars (\$4,000) shall be executed by the Board of Commissioners and approved by the City Manager to be done by the city's own employees.

All contracts for more than four thousand dollars (\$4,000) shall be awarded to the lowest responsible bidder, after such publication, advertisement and competition as may be prescribed, by ordinance; but no contract or any public work or improvement shall be awarded except on condition that the contractor gives bond with some bonding company authorized to transact business in the State of Tennessee as surety, in a sum equal to at least fifty per centum of the

contract price of the particular work or improvement for the faithful performance of such contract.

But the City Manager shall have the power to reject all of the bids and to perform the work with the city's own forces, and all advertisements shall contain a reservation of this right. [As replaced by Priv. Acts 2010, Ch. 48, § 4]

## ARTICLE XXIV

### EXTENSION OF CORPORATE LIMITS

Section 1. Be it further enacted, That the territory adjoining said city may be added thereto and included in the corporate limits thereof as follows: Twelve citizens, resident freeholders, in the territory proposed to be added and included in the corporate limits of said city shall sign a petition in writing under their signatures, in which shall be described by metes and bounds the particular territory proposed to be added and included, and shall submit the same to the Board of Commissioners of said city for consent and approval; and if said Board of Commissioners consents and a majority of the citizens who are legally qualified voters in said territory consent, the said territory shall become part of said corporation, and to test or ascertain the will of the citizens of the territory, the Board of Commissioners shall cause two lists to be prepared and circulated, one list signed by the parties desiring the territory to be annexed and included within the corporation, the other to be signed by those opposed to annexation. All persons shall be entitled to sign said list who at the same time of signing are qualified voters, and all persons who own property in the territory sought to be annexed, whether they be residents or not.

If a majority of the qualified voters within said territory consent thereto, then said Board of Commissioners by ordinance duly enacted, which ordinance shall describe the territory being annexed, shall provide that said territory be included within the corporation limits of said city and be subject to all the provisions of this charter.

## ARTICLE XXV

### CONSTRUCTION OF THIS ACT

Section 1. Be it further enacted, That this Act shall be construed to cover the entire field of the chapter powers, limitations and restrictions of said city.

Section 2. Be it further enacted, That in the construction of any portion of this charter when the meaning or application is in dispute, it is intended that its phraseology shall be liberally construed to effect the substantial objects of the charter.

Section 3. Be it further enacted, That neither the City Manager, Recorder, City Judge, Chief of Police, nor any person in the employ of the city under of said offices shall take any active part in, or contribute any money toward the nomination or election of any candidate for election to the Board of Commissioners, except to answer such questions as may be put to them and as they may desire to answer.

The violation of this Section shall subject the offender to removal from office or employment and the punishment by fine of not more than fifty dollars for each candidate.

Section 4. Be it further enacted, That no candidate for any office, nor any person, shall directly or indirectly give or promise any person or persons any office, employment, money, benefit, or anything of value for the purpose of influencing or obtaining political support, aid, or vote for any candidate; and any person violating this provision shall be punished by fine of not more than fifty dollars for each offense.

Section 5. Be it further enacted, That if any Article, Section, paragraph, sentence or provision of this Act be unconstitutional or invalid, such invalidity shall be construed not to affect the remainder of this Act, its being the legislative intent that this Act would have been enacted with such invalid portion omitted therefrom.

## ARTICLE XXVI

### EFFECTIVE DATE OF THIS ACT

Section 1. Be it further enacted, That all laws or parts of laws, both general and special, in conflict with this Act be, and the same are, hereby replaced.

Section 2. Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 15, 1951

McAllen Foutch,  
Speaker of the House of Representatives

Walter M. Haynes,  
Speaker of the Senate

Approved: March 16, 1951

Gordon Browning,  
Governor

ACTS COMPRISING THE CHARTER OF THE CITY OF  
SAVANNAH, TENNESSEE<sup>1</sup>

YEAR	CHAPTER	SUBJECT
1951	683	Basic Charter Act.
1967	450	Authorized the city to purchase and acquire a tract of land for a municipal park and recreation center said to issue notes to finance same. (But did not specifically amend the charter)
1970	248	Amends Article III, section 1, paragraph (13) of the charter.
1972	309	Amends Priv. Acts 1967, Ch. 450.
1974	213	Amends Article III, section 1, paragraph (5) of the charter.
1977	3	Amends Article IX, section 2 of the charter
1979 (and	21	Amends Article IV of the charter  purports to amend Priv. Acts 1970, Ch. 319) <sup>2</sup> by authorizing city to hold referendums on questions concerning the city.
1984	226	Amends Article IX, section 2 of the charter.
1987	26	Amends Article V, section 4 by increasing the salary for the mayor and commissioners.

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<sup>1</sup>Private Acts 1970, Ch. 319 was passed by the legislature but was rejected by the City. Private Acts 1979, Ch. 22, authorized a nonbinding referendum on an ordinance changing the weight limits on trucks using city streets.

<sup>2</sup>Private Acts 1970, Ch. 319 was passed by the legislature but was rejected locally; therefore, it was void and could not be amended.



YEAR	CHAPTER	SUBJECT
1987	27	Amends Article XVII, by replacing sections 1-5.
1987	28	Amends Article IV, sections 4 and 5.
2002	166	Amends Article III, section 1, corporate powers.
2010	48	Replaces Article IV, elections. Replaces article VIII, section 1, officers and employees. Replaces Article IX, section 2, subdivisions (i) and (j), maximum expenditures by a city manager and other duties. Replaces Article XXIII, section 1, advertisement for public works.
2011	21	Replaces art. VI, ordinances.

**ORDINANCE NO. 820-5-2016**

**AN ORDINANCE ADOPTING AND ENACTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF SAVANNAH, TENNESSEE**

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

BE IT ORDAINED BY THE CITY OF SAVANNAH AS FOLLOWS:

**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 "Savannah Municipal Code," hereinafter referred to as the "municipal code."

**Section 2. Ordinances repealed.** All ordinances of a general, continuing, and permanent application or of a penal nature not contained in the municipal code are hereby repealed from and after the effective date of said code, except as hereinafter provided in Section 3 below.

**Section 3. Ordinances saved from repeal.** The repeal provided for in Section 2 of this ordinance shall not affect: Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the municipal code; any ordinance or resolution promising or requiring the payment of money by or to the city or authorizing the issuance of any bonds or other evidence of said city's indebtedness; any appropriation ordinance or ordinance providing for the levy of taxes or any budget ordinance; any contract or obligation assumed by or in favor of said city; any ordinance establishing a social security system or providing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the portion of any ordinance not in conflict with such code which regulates speed, direction of travel, passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or

franchise granted by the city; any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the city.

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

**Section 5. Penalty clause.** Unless otherwise specified in a title, chapter or section of the municipal code, including the codes and ordinances adopted by reference, whenever in the municipal code any act is prohibited or is made or declared to be a civil offense, or whenever in the municipal code the doing of any act is required or the failure to do any act is declared to be a civil offense, the violation of any such provision of the municipal code shall be punished by a civil penalty of not more than fifty dollars (\$50.00) 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>

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

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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.

**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 servable. 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.

**Section 8. Construction of conflicting provisions.** Where any provision of the municipal code is in conflict with any other provisions 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 1<sup>st</sup> reading, May 5, 2016.

Passed 2<sup>nd</sup> reading, June 2, 2016.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Recorder

**TITLE 1**

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

**CHAPTER**

1. BOARD OF COMMISSIONERS
2. CITY MANAGER
3. CITY RECORDER
4. SEAL AND RECORDS
5. CODE OF ETHICS

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<sup>1</sup>Charter references

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

Municipal code references

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

Fire department: title 7.

Utilities: title 18 and 19.

Wastewater treatment: title 18.

Zoning: title 14.

## CHAPTER 1

### BOARD OF COMMISSIONERS<sup>1</sup>

#### SECTION

- 1-101. Time and place of regular meetings.
- 1-102. Order of business.
- 1-103. General rules of order.
- 1-104. Agenda.

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

Appointment and removal of city officers and employees:

City Attorney: Art. X, § 1.

City Manager: Art. VII, § 1; Art. IX, § 1.

City Judge: Art. XXII, § 9.

Fire Chief: Art. XX, § 1.

Police Chief: Art. XIX, § 1.

Treasurer: Art. XII, § 1.

Recorder: Art. XI, § 1.

Election of: Art. IV.

Election of Mayor: Art. V, §§ 1,11, and 12.

Meetings:

Mayor to reside: Art. V, § 9, Art. VIII, § 1.

Regular: Art. V, § 7.

Special: Art. V, § 8

Powers enumerated:

Appropriations and budget: Art. XVII.

Establish departments and duties of same:

Generally: Art. VIII, §§ 1 and 2; Art. XVIII, § 2;

Art. XIX, § 3.

City Judge: Art. XXII, § 10.

Establish own rules of procedure: Art. V, § 13.

Legislative powers invested in: Art. V, § 5.

Issue bonds: Art. XV; Art. XVI.

Pass ordinances: Art. VI.

Require surety bonds: Art. VIII, § 4.

Powers to be exercised in open assembly: Art. V, §§ 6 and 15.

Qualifications: Art. V, §§ 2 and 3.

Quorum: Art. V, § 13.

Removal from office: Art. V, § 16. Salary: Art. V, § 4.

Taxation: Art. XI; Art. XIII

Vacancies in office: Art V, § 10.

**1-101. Time and place of regular meetings.** The board of commissioners shall hold regular monthly meetings at 7:00 P.M. on the first Thursday of each month at the city hall. If the regular monthly meeting date happens to fall on a holiday the regular monthly meeting shall be held at 7:00 P.M. on the second Thursday of the month. (1988 Code, § 1-101)

**1-102. Order of business.** At each meeting of the board of commissioners, 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.
- (6) Reports from committees, members of the Board of Commissioners, and other officers.
- (7) Old business.
- (8) New business.
- (9) Adjournment. (1988 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 Board of Commissioners 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. (1988 Code, § 1-103, modified)

**1-104. Agenda.** Any person or entity desiring to have matters considered by the Board of Commissioners shall within five (5) days before any regular or special meeting submit a synopsis of those matters to the city recorder. However, this provision shall not apply to any of the administrative boards of the city.

By a vote of the entire membership of the Board of Commissioners present at any regular meeting the board may waive the above procedure and consider any matter whether or not submitted in advance to the city recorder as prescribed. (1988 Code, § 1-104)



## CHAPTER 2

### CITY MANAGER

#### SECTION

- 1-201. Authority to appoint and removal personnel.
- 1-202. Authority to expend funds.
- 1-203. Shall be bonded.
- 1-204. Authority to serve as city judge.

**1-201. Authority to appoint and remove personnel.** The city manager shall the authority to appoint and remove officers, employees, and any other personnel of the city government. (1988 code, § 1-201)

**1-202. Authority to expend funds.** (1) The city manager is authorized to pay the salary of all the employees of the city without specific authorization and to pay other current operating expenses of the city, such as light bill, water bill, etc., without further authorization of the Board of Commissioners.

(2) The city manager is authorized to expend funds of the city, where a specific appropriation has been made, not to exceed at any one time the sum of ten thousand dollars (\$10,000.00), without securing competitive bids. All other amounts, where specific appropriations have been made in an appropriations ordinance, or in a budget, must be advertised for at least two (2) publications in a newspaper of general circulation, and by such other means as may be deemed necessary by the manager, and the award made to the lowest and best bidder.

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<sup>1</sup>Charter references:

- Accepts service legal process: Art VII, § 3.
- Acting city manager: Art. VIII, § 1; Art IX, § 1. Appointment and removal of: Art. VIII, § 1; Art. IX, § 1. Bonding of: Art. VIII, § 4.
- Powers and duties enumerated:
  - Admin. head of government: Art. IX, § 1.
  - Appointment and removal of employees: Art. VIII, § 2; Art. IX, § 2; Art. XIX, § 1; Art. XX, § 1
  - Bond admin.: Art. XVI, § 1.
  - Budgetary: Art. IX, § 2; Art. XVII.
  - Enforcement ordinances: Art. IX, § 2.
  - Expenditure control: Art. IX, § 2; Art. XII, §§ 3 and 4.
  - Discussion, no vote: Art. IX, § 2.
  - Right to call special meetings: Art. V, § 8.
  - Other duties: Art. IX, § 2.
  - Public utilities: Art. IX, § 2. Purchasing agent: Art. IX, § 2. Recommendations to board: Art. IX, § 2.
  - Supervision and control of departments: Art. IX, § 2; Art. XVIII, § 3

(3) Advertising and bidding – exceptions. Except as hereinafter provided. All purchases and leases or lease-purchase agreements shall be made or entered into only after public advertisement and competitive bid, except as follows:

- (a) Purchases costing less than ten thousand dollars (\$10,000.00); provided, however, this exemption shall not apply to purchases of like items which individually cost less than ten thousand dollars (\$10,000.00) during any fiscal year;
- (b) Any goods or services which may not be procured by competitive means because of the existence of a single source of supply or because of a proprietary product.
- (c) Purchases or leases of any supplies, materials or equipment for immediate delivery in actual emergencies arising from unforeseen causes, including delays by contractors, delays in transportation, and unanticipated volume of work.
- (d) Leases or lease-purchase agreements requiring total payment of less than ten thousand dollars (\$10,000.00) in each fiscal year the agreement is in effect, provided this exemption shall not apply to leases of like or related items which individually may be leased or lease-purchased in numbers of two (2) or more, if the total lease or lease-purchase payments for such items under a single agreement would be ten thousand dollars (\$10,000.00) or more in any fiscal year;
- (e) Purchases, leases or lease-purchases of real property
- (f) Purchases, leases, or lease-purchases from any federal, state or local governmental unit or agency of second-hand articles or equipment or other materials, supplies, commodities and equipment; and
- (g) Government bodies may exempt fuel and fuel products and perishable commodities from the requirements of public advertisement and competitive bidding when such items are purchased in the open market.
- (h) When all bids received exceed the amount budgeted for a given purchase, or no bidder meets specifications, the governing body may choose to enter into competitive negotiations with the three (3) lowest bidders by changing the scope of the project or making adjustments to specifications. However, any change or adjustments must be offered to all three (3) bidders.

(4) Advertising and bidding. All requests for bids shall be published at least once in a newspaper of general circulation at least seven (7) days prior to the stated opening date and no more than thirty-one (31) days prior to stated opening date. Bid opening dates may be extended by addendum up to one (1) additional month without advertisement.

The bid documents or notice shall contain all terms or criteria for bid evaluation.

In addition to publication, the city manager may maintain or cause to be maintained a bid list for specific products or services. However, failure to receive notification shall not constitute a valid reason for rejection of all bids.

In all bids, the city shall retain the right to waive any informalities or to reject all bids. Any award made shall be to the lowest bid meeting all

specifications or to the lowest evaluated bid when criteria for award other than price are specifically set forth in the bid advertisement or documents. (1988 Code, § 1-202, as amended by Ord. #701-8-2006, Oct. 2006)

**1-203. Shall be bonded.** The city manager shall execute a bond, payable to the City of Savannah, for the use and benefit of the City of Savannah, in the penal sum of fifty thousand dollars (\$50,000.00), with a corporate surety, and the premium for said bond is to be paid from the funds of the city and the city manager is hereby authorized to make application for said bond and pay the premiums thereon from the funds of the city. (1988 Code, § 1-203)

**1-204. Authority to serve as city judge.** The city manager is authorized to serve as city judge in the absence of that duly appointed official.

## CHAPTER 3

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

#### SECTION

1-301. Shall be bonded.

1-302. Shall serve as building inspector.

**1-301. Shall be bonded.** The city recorder shall execute a surety bond, payable to the City of Savannah, for the use and benefit of the City of Savannah, in the penal sum of five thousand dollars (\$5,000.00), for the faithful performance of his duties as city recorder and to account for all monies coming into his hands as such. The premium for said bond shall be payable from the funds of the city. (1988 Code, § 1-301)

**1-302. Shall serve as building inspector.** The city recorder shall function as the Building Official of the City of Savannah. (1988 Code, § 1-302)

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

Appointment: Art. XI, § 1.

Bond: Art. XI, § 1.

Powers and duties enumerated:

Accepts service of process: Art. VII, § 3.

City judge: Art. XX, §§ 9 and 11.

Custody and preservation of ordinances and city records: Art. VI,  
§ 4; Art. XI, § 1.

Heads dept. finance: Art. XII, § 2.

Keeps board minutes: Art. XI, § 1.

Prescribes manner of paying city's debts: Art. XX, § 3.

Tax collector: Art. XI.

Treasurer: Art. XII, § 1.

Salary: Art. VIII, § 2; Art. IX, § 1.

Supervised by city manager: Art. IX, § 2

## CHAPTER 4

### SEAL AND RECORDS

#### SECTION

- 1-401. Official seal.
- 1-402. Records retention.
- 1-403. Procedures for land acquisition.

**1-401. Official seal.** The following seal is adopted as the Official Seal of the City of Savannah. However, the official seal will not have to be affixed to any legal document or official city papers to give such papers legal effect. (1988 Code, § 1-401)



**1-402. Records retention.** The City of Savannah shall use Records Management for Municipal Governments, published by the Municipal Technical Advisory Service of the University of Tennessee as the official records retention schedule for the city. (1988 Code, § 1-402)

**1-403. Procedures for land acquisition.** In the acquisition of real property by the city the following rules and regulations shall be observed:

- (1) The City of Savannah will make every reasonable effort to acquire the real property by negotiated purchase before instituting eminent domain proceedings.

(2) The City of Savannah will not require any owner to surrender possession of real property until the city pays or causes to be paid to the owner:

(a) The agreed purchase price arrived at by negotiation, or

(b) In any case where only the amount of the payment to the owner is in dispute the city has tender into court where in possession is sought by eminent domain, the City of Savannah's appraised value.

(3) All agents and representatives of the City of Savannah's in the acquisition of real estate in connection with the water and sewerage system improvements of the City of Savannah will observe the foregoing rules, regulations, and policies set out in this section, and will file a report or statement to be maintained by the city of such actions taken by such agents, servants, or employees, in connection with the acquisitions of any real property or interest therein. (1988 Code, § 1-403)

## CHAPTER 5

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

#### SECTION

- 1-501. Applicability.
- 1-502. Definitions
- 1-503. Acceptance of gifts and other things of value.
- 1-504. Gift ban exceptions.
- 1-505. Disclosure of gifts.
- 1-506. Disclosure of personal interest by official with a vote.
- 1-507. Disclosure of personal interest in nonvoting matters.
- 1-508. Nepotism in hiring prohibited.
- 1-509. City recorder to maintain a disclosure file.
- 1-510. Ethics complaints.
- 1-511. Violations.
- 1-512. City recorder to file copy of ordinance with Tennessee Ethics Commission.
- 1-513. Procedural conflicts.

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

Campaign finance: Tennessee Code Annotated, title 2, Ch. 10.

Conflict of interests: Tennessee Code Annotated, §§ 6-54-107, 108; 12-4- 101, 102.

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

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

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

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

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

A brief synopsis of each of these laws appears in Appendix A of this municipal code.

**1-501. Applicability.** This chapter is the code of ethics for personnel of the municipality. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words “municipal” and “municipality” include these separate entities. (Ord. #705-3-2007, May 2007)

**1-502. Definitions.** For the purpose of interpreting this chapter, the following words, terms, and phrases shall have the meanings ascribed to them in this section:

- (1) “City” means the municipality of Savannah, Tennessee.
- (2) “Gift” means the transfer or conveyance of anything of economic value, regardless of form, without adequate and lawful consideration.
- (3) “Immediate family” means parents, spouse or child in the same household.
- (4) “Personal interest” means:
  - (a) The holding or acquisition of any financial or ownership interest of either ten thousand dollars (\$10,000.00) or five percent (5%) or greater in a business entity that has or is negotiating a contract of one thousand dollars (\$1,000.00) or more with the city, or is regulated by any agency of the city, or
  - (b) The ownership of any real estate having a value of one thousand dollars (\$1,000.00) or greater which the city has or is negotiating an acquisition, leasehold, or easement agreement.
  - (c) Any such financial or ownership interest as defined in § 1 502(4)(a) and § 1-502(4)(b) of this chapter by the officer or employee's spouse or immediate family member. (Ord. #705-3-2007, May 2007)

**1-503. Acceptance of gifts and other things of value.** An official or employee, or an official’s or employee’s spouse or child living in the same household, may not accept, directly or indirectly, any gift, money, gratuity, or other consideration or favor of any kind from anyone other than the city:

- (1) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or
- (2) That a reasonable person would not understand was intended to influence the vote, official action, or judgment of the office or employee in executing city business. (Ord. #705-3-2007, May 2007)

**1-504. Gift ban exceptions.** Section 1-503 of this charter is not applicable to the following:

- (1) Opportunities, benefits, and services that are available on the same conditions as for the general public.
- (2) Anything for which the covered officer or employee, or a member of his or her immediate family, pays the fair market value.



(3) Any contribution that is lawfully made to the covered officer or employee's political campaign fund, or to that of his or immediate family, including any activities associated with a fund-raising event in support of a political organization or candidate.

(4) Educational materials provided for the purpose of improving or evaluating municipal programs, performance, or proposals.

(5) A gift from a relative, meaning those persons related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great-aunt, great-uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.

(6) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as:

(a) The history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; and

(b) Whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and

(c) Whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.

(7) Food or refreshments not exceeding twenty-five dollars (\$25.00) per person in value on a single calendar day; provided the food or refreshments are:

(a) Consumed on the premises from which they were purchased or prepared; or

(b) Catered.

For the purposes of this chapter, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.

(8) Food, refreshments, lodging, transportation, and other benefits resulting from the outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.

(9) Entertainment, food, refreshments, meals, health screenings, amenities, foodstuffs, or beverages that are provided in connection with a conference sponsored by

an established or recognized statewide association of city government officials or by an umbrella or affiliate organization of such statewide association of city government.

(10) Intra-governmental and intergovernmental gifts. For the purpose of this chapter, “intra-governmental gift” means any gift that is given to an officer or employee from another officer or employee, and “intergovernmental gift” means any gift given to an officer or employee by an officer or employee of another government entity.

(11) Bequests, inheritances, and other transfers at death.

(12) Ceremonial gifts or awards which have insignificant monetary value.

(13) Unsolicited gifts of nominal value or trivial items of informational value.

(Ord. #705-3-2007, May 2007)

**1-505. Disclosure of gifts.** Regardless of compliance with § 1-504, employees shall on a monthly basis, submit to the city recorder on a form provided by the city, disclosure of any gift or gratuity that is received from any entity or person which might be perceived as being provided because of official position or employment. (Ord. #705-3-2007, May 2007)

**1-506. Disclosure of personal interest by official with vote.** An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects the official’s vote on the measure. Additionally, the official may rescue himself<sup>1</sup> from voting on the measure. (Ord. #705-3-2007, May 2007)

**1-507. Disclosure of personal interest in nonvoting matters.** An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects the exercise of discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the city recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter. (Ord. #705-3-2007, May 2007)

**1-508. Nepotism in hiring prohibited.** The City of Savannah shall not show favoritism in the recruitment of municipal employees. The spouse, mother, father, brother, sister, children, grandparents, grandchildren, guardian, stepmother, stepfather, stepbrother, stepsister, half-brother, half-sister, child or stepchild, uncle, aunt, nephew, niece of the mayor, the commissioners, city manager, city recorder, utility director, or a city department head, or any person having the same relationship with the mayor’s or a commissioner’s spouse, shall not be shown favoritism during the hiring process by the City of Savannah. (Ord. #705-3-2007, May 2007)

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

**1-509. City recorder to maintain a disclosure file.** The city recorder shall keep and maintain all financial disclosure statements required to be filed herein as public records and shall retain them for a period of five (5) years after which the statements shall be destroyed. (Ord. #705-3-2007, May 2007)

**1-510. Ethics complaints.**

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

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

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

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

(3) When a violation of this chapter also constitutes a violation of the city's personnel policies, rules, or regulations, the violation shall be dealt with as a violation of the personnel provisions rather than as a violation of this chapter. (Ord. #705-3-2007, May 2007)

**1-511. Violations.** An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the city charter or other applicable law, and in addition is subject to censure by the city council. An appointed official or employee who violates any provision of this chapter is subject to disciplinary action up to, and including, termination of employment. (Ord. #705-3-2007, May 2007)

**1-512. City recorder to file copy of ordinance with Tennessee Ethics Commission.** Upon adoption by the mayor and city commission, the city recorder is hereby directed to file a duly signed and attested copy of the ordinance with the Tennessee Ethics Commission, in compliance with section 49 of Public Chapter No.1

of the Extraordinary Sessions of the 2006 Tennessee General Assembly. (Ord. #705-3-2007, May 2007)

**1-513. Procedural conflicts.** Any part of this chapter that is found to be in conflict with the City of Savannah Municipal Code or the City of Savannah Employee Handbook, this chapter shall take precedence. (Ord. #705-3-2007, May 2007)

## TITLE 2

### BOARDS AND COMMISSION, ETC.

#### CHAPTER

1. AIRPORT AND AERONAUTICS BOARD.
2. SAVANNAH-HARDIN COUNTY INDUSTRIAL DEVELOPMENT COMMISSION.
3. RECREATION BOARD.

#### CHAPTER 1

### AIRPORT AND AERONAUTICS BOARD

#### SECTION

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

**2-101. Creation and establishment of board. (1) Membership.**

There is hereby created and established an airport and aeronautics board, which shall consist of seven (7) members to be appointed as follows: one (1) member of the board shall be either the city manager or a member of the city commission and shall serve for their term of office or until such time as the board of commissioners shall appoint a replacement. In the event that either the city manager or a member of the commission shall cease to hold office a vacancy shall be deemed to exist and the board of commissioners shall move to appoint a replacement. One (1) member of said board shall be a member of the Hardin County Commission and shall serve for their term of office or until such time as they may be replaced by the Hardin County Commission. In the event that said member shall cease to hold office on the Hardin County Commission a vacancy shall be deemed to exist. Five (5) members of the board shall be appointed by the Board of Commissioners of the City of Savannah and the Hardin County Commission. Their term of office shall be as follows: the member appointed in 1191 and their successors shall serve for a term of three (3) years; the other four (4) members shall serve for terms of four (4) years.

(2) Term. The term of each board member shall begin on the first day of July and shall expire on the 30th day of June. The Hardin County Commission shall make appointments in even years to those terms as shall expire June 30th of the year at the June meeting of the county commission. The city commission shall make appointments in odd years to those terms as shall expire June the year at the June meeting of the county commission. The city commission shall make appointments in

odd years to those terms as shall expire June 30<sup>th</sup> of the year at the June meeting of the city commission.

(3) Resident. All appointees to the board shall be residents of Hardin County.

(4) Vacancies. In the event of a vacancy on said airport and aeronautics Board by reason of death, resignation, or removal from Hardin County, the Board of Commissioners, who elected said member, shall elect some person, a resident of either Hardin County or the City of Savannah, to fill the unexpired term of the member.

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

(5) Compensation. No member of said board shall receive compensation, as such, except there may be allowed such amount as fixed by the board of commissioners of the City of Savannah and the Quarterly Court of Hardin County, out of funds appropriated for or received by said board out of the income from the operation of the airport, for attending each meeting of the board.

(6) Organization. At the first meeting of the board, after their appointment, the board shall organize and elect from their number a chairman and a secretary, who shall keep an accurate record of the proceedings of said board. (1988 Code, § 1-1101)

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

Said joint board shall have full power and authority to adopt its rules of Procedure and shall act upon a majority vote of a quorum, and a majority of said board present at a meeting shall constitute a quorum. (1988 Code, § 1-1102)

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

The board shall keep all funds into its hands in a separate bank account and shall render a statement of its accounts and fund balances, including a statement of all receipts and expenditures to the Board of Commissioners of the City of Savannah and the County Judge of Hardin County, Tennessee, quarterly. Said board shall have its books, accounts, and funds audited each year by a reputable certified public accountant, and a report shall be filed with the Board of Commissioners of the City of Savannah and with the County Judge of Hardin County, Tennessee. (1988 Code, § 1-1103)

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

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

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

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

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

(5) Police regulations. Any resolutions, rules, regulations, or orders of the Joint board dealing with subjects authorized by Tennessee Code Annotated, § 42-5-113 shall become effective only upon approval of the governing bodies of the constituent public agencies provided that upon approval, the resolutions, rules, regulations, or orders of the joint board shall have the same force and effect in the

territories or jurisdictions involved as the ordinances, resolutions, rules or orders, of each public agency would have in its own territory or jurisdiction.

(6) To enter contracts, leases, agreements, grants or other agreements for a Term not exceeding ten (10) years, with any person or persons, or corporation, either exclusive or in common with others, for the operation and maintenance of the airport, as stated below, provided that the public is not deprived of its lawful use thereof, and provided that the same shall not be inconsistent with the Federal Aviation Agency and the grant agreement with the Federal Aviation Agency thereof.

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

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

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

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

(e) The board shall not dispose of any airport property or facilities except with the consent of the Board of Commissioners of the City of Savannah and the Quarterly County Court of Hardin County, Tennessee, by joint action of said two bodies.

(f) The enumeration of powers herein shall not be construed as a limitation upon the power of said board, but the board shall have full and complete authority to carry out the purposes of this chapter and as vested in it by the laws of the State of Tennessee and this chapter. (1988 Code, § 1- 1104)

**2-105. Agreement for operation of airport.** This chapter, together with the resolution of the Quarterly County Court of Hardin County, Tennessee, shall be considered as and be the agreement found in the County of Hardin and the City of Savannah, for the joint operation of said airport. (1988 Code, § 1-1105)



**2-106. Airport is within police jurisdiction.** Said airport shall be considered and deemed as one of the public streets of the City of Savannah, Tennessee, and the police jurisdiction of the City of Savannah shall extend to and cover said airport property, and the same shall be subject to enforcement of the ordinances of the city of Savannah to the extent as if said airport were included within the city boundaries of the city. (1988 Code, § 1-1106)

## CHAPTER 2

### SAVANNAH-HARDIN COUNTY INDUSTRIAL DEVELOPMENT COMMISSION

#### SECTION

- 2-201. Creation and establishment of the commission.
- 2-202. Membership of the commission.
- 2-203. Organization of the commission.
- 2-204. Powers of the commission.
- 2-205. Purposes of the commission.
- 2-206. Vacancies on the commission.

**2-201. Creation and establishment of the commission.** A commission is hereby established by the joint action of the Quarterly Court of Hardin County, and the incorporated towns therein, to be known as the Savannah-Hardin County Industrial Development Commission, which commission shall be composed of not less than thirteen (13) members and not more than twenty-five (25) members, to be appointed and selected as hereinafter provided in this chapter, and to serve at the will and pleasure of the appointing agency. (1988 Code, § 1-1201)

**2-202. Membership of the commission.** Five (5) members of said commission shall be selected by the Quarterly County Court of Hardin County, who will be representatives of Hardin County on such commission; three (3) members thereof to be selected by the Board of Commissioners of the City of Savannah, as representatives of the City of Savannah; one (1) member to be selected by the mayor and board of aldermen of the town of Saltillo, as the representatives; one (1) member to be selected by the mayor and board of aldermen of the Town of Milledgeville, as the representative of the Town of Milledgeville; and, three (3) members to be selected by the Savannah Area Chamber of Commerce, as the representatives of the business interest in the Savannah-Hardin County area. The commission members appointed and selected as above provided in this section may then name one (1) person as a representative of the Savannah Department of Public Utilities; one (1) person as a representative of electric utilities; one (1) person as a representative of transportation systems; one (1) person as a representative of communication systems; one (1) person representing utility districts; and one (1) person representing existing industries of Hardin County. The members of the commission may by their action add additional representatives to the commission from the residents of Hardin County, so as to increase the membership of the commission to a number not exceeding twenty-five (25), the additional members to be selected representing the above interests or other interests deemed desirable by the commission. (1988 Code, § 1-1202)

**2-203. Organization of the commission.** At the earliest practical date after the adoption of this chapter, the initial thirteen (13) members shall meet to consider and act upon the appointment of additional members of the commission.

The commission shall then meet and organize by electing a chairman, a vice chairman, and a secretary-treasurer. The commission shall then adopt rules and regulations and by-laws governing its meetings and proceedings.

The commission shall appoint an executive committee to have such responsibilities and authority as delegated to it by the commission. The chairman, vice chairman, and secretary-treasurer shall be members of the executive committee.

It shall be the duty and responsibility of the chairman and vice chairman, and through them, all members of the commission, to actively participate in every way possible in attaining the commission's objectives. (1988 Code, § 1-1203)

**2-204. Powers of the commission.** (1) The commission is authorized and empowered to incur obligations only to the extent of appropriations made by the Quarterly County Court of Hardin County, the Town of Saltillo, the Town of Milledgeville, the City of Savannah, and to the extent of any funds donated to or received by the commission.

(2) It shall have all such powers and authorities necessary to accomplish the purpose for which said commission is established. (1988 Code, § 1-1204)

**2-205. Purposes of the commission.** The commission shall:

(1) Endeavor to keep the industrial development of the entire Savannah-Hardin County area competitive with other cities and counties;

(2) Assist existing industries in the entire Savannah-Hardin County area in expanding and improving their operations, so as to help them grow and prosper;

(3) Promote new industries and business to locate in the entire Savannah-Hardin County area by: contacting prospective businesses and industries; assisting in obtaining financing, building sites, and buildings; providing data and information; and, providing other assistance as required;

(4) Otherwise foster and promote commercial, industrial, agricultural, and manufacturing enterprises in the entire Savannah-Hardin County area. (1988 Code, § 1-1205)

**2-206. Vacancies on the commission.** In the event a vacancy occurs in the membership of said commission for any reason then a new representative shall be appointed by the agency appointing the original representative to serve as such commission member. In the event any member of the commission ceases to attend the meetings of the commission, or fails to take an active part in the proceedings, then the commission by a vote of its members, may declare a vacancy in the membership for such representatives, and request the agency appointing such member, in the event the member was appointed by an agency, to appoint a new member to fill such vacancy. In the event the vacancy occurs in a membership filled by the commission, then the commission itself will appoint a new member. If upon request the appointing agency fails to fill said vacancy within a reasonable time, after such request, then the commission may appoint a representative for such agency. (1988 Code, § 1-1206)

## CHAPTER 3

### RECREATION BOARD

#### SECTION

2-301. Membership; vacancies.

2-302. Organization.

2-303. Duties and powers.

2-304. Reports.

**2-301. Membership; vacancies.** The recreation board shall consist of five (5) persons serving without pay who shall be elected by the city commission. The term of office shall be for three (3) years or until their successors are elected and qualified, except that the members of such board first elected shall be elected for such terms that the term of one member shall expire annually thereafter. Vacancies in such board occurring otherwise than by expiration of term shall be filled by the city commission for the unexpired term. Members shall not be eligible to succeed themselves until the expiration of three (3) years. (1988 Code, § 1-1301)

**2-302. Organization.** Immediately after their election, they shall meet and organize by electing one (1) of their member's president and such other officers as may be necessary. The board shall have the power to adopt by-laws, and or rules for the conduct of the board meetings. (1988 Code, § 1-1302)

**2-303. Duties and powers.** The parks and recreation board shall act as an advisory board to the parks director and city commission. The parks and recreation board shall be involved in promoting recreation and cultural activities for the leisure of the citizens in a constructive and wholesome manner. (1988 Code, § 1-1303)

**2-304. Reports.** The parks and recreation board shall submit to the city commission an annual report. This report shall outline annual goals and objectives the board would like to recommend. Such report shall be submitted by March 15 of each year. (1988 Code, § 1-1304)

**TITLE 3**  
**MUNICIPAL COURT**  
**(RESERVED FOR FUTURE USE)**

## TITLE 4

### MUNICIPAL PERSONNEL

#### CHAPTER

1. SOCIAL SECURITY.
2. VACATIONS, SICK LEAVE, AND HOLIDAYS.
3. PERSONNE; SYSTEM.
4. OCCUPATIONAL SAFETY AND HEALTH PROGRAM.

#### CHAPTER 1

### SOCIAL SECURITY

#### SECTION

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

**4-101. Policy and purpose as to coverage.** It is hereby declared to and purpose of this city to provide for all eligible employees and officials of the city, whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old age and survivors insurance. In pursuance of said policy, and for that purpose, the city shall take such action as may be required by applicable state and federal laws or regulations. (1988 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. (1988 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. (1988 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. (1988 Code, § 1-704)

**4-105. Records and reports to be made.** The recorder shall keep such records and make such reports as may be required by applicable state and federal laws or regulations. (1988 Code, § 1-705)

**4-106. Exclusion of coverage due to another requirement system.** There is hereby excluded from this chapter any authority to make any agreement with respect to any position or any employee or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the city. (1988 Code, § 1-706)

**4-107. Exclusion of coverage due to method of compensation or lack of authorization.** There is hereby excluded from this chapter any authority to make any agreement with respect to emergency, part-time, and fee-based employees, or elective legislative, executive and judicial officials, or any employee or official not authorized to be covered by federal or state laws or regulations. Acting under § 4-102 hereinabove contained, the mayor is hereby directed to amend the social security agreement executed December 30, 1951, so as to extend the benefits of the System of Federal Old Age and Survivors Insurance to services of employees in part-time positions and elective judicial officials as of January 1, 1977; to include the services of employees and officials the compensation for which is on a fee-basis, effective January 1, 1981, and to exclude election officials or election workers for calendar years in which the remuneration paid for such service is less than one hundred dollars (\$100.00), effective December 31, 1980. (1988 Code, § 1-707)

## CHAPTER 2

### VACATIONS, SICK LEAVE AND HOLIDAYS

#### SECTION

- 4-201. Applicability of chapter.
- 4-202. Vacation leave.
- 4-203. Sick leave.
- 4-204. Holidays.

**4-201. Applicability of chapter.** This chapter shall apply to all full-time officers and employees except those operating under the jurisdiction of the department of public utilities of the city of or other separate board or commission. (1988 Code, § 1-801)

**4-202. Vacation leave.** Personal leave shall be earned a rate of eight (8) hours per calendar month beginning with the seventh month and ending with the seventh years of continuous service. During the eighth year of service, leave will accrue at the rate of 8.67 hours per month. Leave will accrue at the rate of 9.33 hours per month during the ninth year of service. Beginning with the tenth year of continuous service and with each continuous year thereafter through the twentieth, employees shall earn personal leave at the rate of ten (10 hours) per month. Beginning with the twentieth year of continuous service and each year of continuous service thereafter, employees shall earn personal leave at the rate of 13.33 hours per month.

Regular Full-time Employees						
Years of Service	0-6 months	7 months-7 years	8 years	9 years	10-19 years	20+ years
Hours Accrued Annually	0	96	104	112	120	160
Days Accrued Annually	0	12	13	14	15	20

Employees in the fire department normally engaged in fire protection activities will work forty-eight (48) hour shift and then will be off shift for six (6) consecutive days. All earned leave will be taken during those days that firemen are off shift. The work schedule shall be established by the head of the fire department to minimize compensatory leave and overtime pay to the largest extent possible.

Personal leave shall be earned by an employee who is on leave of absence with pay, but it shall not be earned by an employee who is on leave without pay. Earned personal leave shall be accumulated subject to the following limitations:



(1) Personal leave shall be earned before it is taken and shall be scheduled to meet the city's operational requirements and, insofar as possible, the preference of the employee.

(2) Personal leave shall not be earned by any employee who has a period of leave without pay or suspension without pay.

(3) Each employee shall be eligible to carry forward no more than three (3) times his/her current annual leave rate. For example, employees who earn fifteen (15) days leave per year may carry forward forty-five (45) days leave; those who earn twenty (20) days per year may carry forward sixty (60) days leave.

(4) Except upon separation from employment, personal leave shall not be paid in cash in lieu of time off unless it is authorized by the city manager.

(5) Personal leave shall be earned by an employee during any period of an approved on-the-job injury.

(6) New employees shall accrue personal leave after working six (6) consecutive months.

(7) Personal leave shall be taken subject to the discretion of the respective department heads. (1988 Code, § 1-802)

**4-203. Sick leave.** Each regular employee will accrue sick leave at the rate of one (1) day (eight (8) hours) per calendar month. Sick leave benefits will commence on the first day of such absence and shall continue for as long as sick leave credit remains. Employees may carry sick leave hours over from year to year but may not accumulate more than four hundred eighty (480) hours (sixty (60) days). When an employee is on "leave without pay," no sick leave accumulates.

Generally, employees become eligible to use sick leave in the situations outlined below:

(1) Employees are incapacitated by sickness or a non-job-related injury, or they are seeking medical, dental, or optical diagnosis or treatment.

(2) Necessary care and attendance of a member of the employee's immediate family.

(3) Death of an immediate family (not to exceed five (5) days).

Department heads are required to satisfy themselves that the employee is genuinely ill before paying sick leave. Any absence in excess of three (3) workdays will require a doctor's certification as to the illness; any absence may require a doctor's certification as to the illness; any absence may require a doctor's certification if, in the opinion of the supervisor, such action is deemed appropriate.

After employees have exhausted their accrued sick leave, leave without pay may be granted at the discretion of the city manager. Employees may be terminated if unable to perform their job or another job with a reasonable accommodation.

Employees may not borrow against future sick leave or transfer sick leave to another person. Upon exhausting all sick leave, employees may use earned personal leave or take leave without pay.

An employee who retires under the city retirement plan shall have all unused sick leave credited as additional time worked when calculating the employee's retirement benefits. (1988 Code, § 1-803)

**4-204. Holidays.** Every city employee will be given approved holidays as set out in the city code. All offices and shops of the City of Savannah, except emergency and necessary operations, will be closed and employees excused on the following legal holidays:

New Year's Day	January 1
Martin Luther King Day	Third Monday in January
President's Day	Third Monday in February
Good Friday	Friday before Easter Sunday
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veterans Day	November 11
Thanksgiving Day	Fourth Thursday in November
Friday after Thanksgiving	Fourth Friday in November
Christmas (2)	December 25 + one another

When a legal holiday falls on Saturday, offices will be closed the preceding Friday. When a holiday falls on Sunday, it shall be observed the following Monday.

To receive compensation for a holiday, employees must be in a pay status (not away on leave without pay or on worker's compensation) on their last regular shift scheduled before a holiday and their first regularly scheduled shift after a holiday. (1988 Code, § 1-804)

**CHAPTER 3**  
**PERSONNEL SYSTEM**

**SEE EMPLOYEE HANDBOOK**

## CHAPTER 4

### OCCUPATIONAL SAFETY AND HEALTH PROGRAM

#### SECTION

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

**4-401. Title.** This section shall be known as “The Occupational Safety and Health Program Plan” for employees of City of Savannah. (Ord. #782-2-2013, April 2013)

**4-402. Purpose.** The City of Savannah in electing to update the established Program Plan will maintain an effective and comprehensive Occupational Safety and Health Program Plan for its employees and shall:

- (1) Provide a safe and healthful place and condition of employment that includes:
  - (a) Top Management Commitment and Employee Involvement;
  - (b) Continually analyze the worksite to identify all hazards and potential hazards;
  - (c) Develop and maintain methods for preventing or controlling the existing or potential hazards; and
  - (d) Train managers, supervisors, and employees to understand and deal with worksite hazards.
- (2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees.
- (3) Record, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, adequate records of all occupational accidents and illness and personal injuries for proper evaluation and necessary corrective action as required.
- (4) Consult with state Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.
- (5) Consult with the Commissioner of Labor and Workforce Development, as appropriate, regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the state.
- (6) Provide reasonable opportunity for the participation of employees in the effectuation of the objectives of this Program Plan, including the opportunity to

make anonymous complaints concerning conditions or practices injurious to employee safety and health.

(7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this Program Plan. (Ord. #782-2-2013, April 2013)

**4-403. Coverage.** The provisions of the Occupational Safety and Health Program Plan for the employees of City of Savannah shall apply to all employees of each administrative department, commission, board, division, or other agency whether part-time or full-time, seasonal or permanent. (Ord. #782-2-2013, April 2013)

**4-404. Standards authorized.** The Occupational Safety and Health standards adopted by the City of Savannah are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with Section 6 of the Tennessee Occupational Safety and Health Act of 1972 (T.C.A. Title 50, Chapter 3). (Ord. #782-2-2013, April 2013)

**4-405. Variances from standards authorized.** Upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, we may request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, VARIANCES FROM OCCUPATIONAL SAFETY AND HEALTH STANDARDS, CHAPTER 0800-01-02, as authorized by T.C.A., Title 50. Prior to requesting such temporary variance, we will notify or serve notice to our employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board shall be deemed sufficient notice to employees. (Ord. #782-2-2013, April 2013)

**4-406. Administration.** For the purpose of this ordinance, Mark Kennedy, Fire Captain I, is designated as the Safety Director of Occupational Safety and Health to perform duties and to exercise powers assigned to plan, develop, and administer this Program Plan. The Safety Director shall develop a plan of operation for the Program Plan. The Safety Director shall develop a plan of operation for the Program Plan in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, SAFETY AND HEALTH PROVISIONS FOR THE PUBLIC SECTOR, CHAPTER 08000-01-05, as authorized by T.C.A., Title 50. (Ord. #782-2-2013, April 2013)

**4-407. Funding the program.** Sufficient funds for administrating and staffing the Program Plan pursuant to this ordinance shall be made available as authorized by the City of Savannah. (Ord. #782-2-2013, April 2013)

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<sup>1</sup> State law reference

Tennessee Code Annotated, title 50, chapter 3. Tennessee Occupational Safety and Health Act of 1972 and part IV of the Tennessee Occupational Safety and Health Plan. (Ord. #654-6-2003, July 2003)

## TITLE 5

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

#### CHAPTER

1. PRVLEAGE TAXES.
2. FISCAL YEAR.
3. TRAVEL REIMBURSEMENT REGULATIONS.
4. HOTEL AND MOTEL OCCUPANCY TAX.

#### CHAPTER 1

#### PRIVILEGE TAXES

#### SECTION

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

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

The rates set forth in Tennessee Code Annotated, § 67-4-709 are hereby reduced as below indicted:

- (1) Classification 1 (67-4-708(1)):
  - (a) One-thirtieth (1/30) of one percent (1%) of all retail sales of business;
  - (b) One-one hundred twentieth (1/120) of one percent (1%) of all the wholesale sales of the business by persons classified under 67-4-708(1)(A);
  - (c) One-eightieth (1/80) of one percent (1%) of all retail sales of the business by persons classified under 67-4-708(1)(B) and (1)(C);
  - (d) One-sixtieth (1/60) of one percent (1%) of all retail sales of the business by persons classified under 67-4-708(1)(D);

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<sup>1</sup>Charter references  
Property taxes: art. XI

- (2) Classification 2 2 (67-4-708(2)):
  - (a) One-twentieth (1/20) of one percent (1%) of all retail sales of the business;
  - (b) One-eighth (1/8) of one percent (1%) of all wholesale sales of the business;
- (3) Classification 3 (67-4-708(3)):
  - (a) One-sixteenth (1/16) of one percent (1%) of all the wholesale sales of the business;
  - (b) One-eighth (1/8) of one percent (1%) of all the wholesale sales of the business;
- (4) Classification 4 (67-4-708(4)):
  - (a) One-thirtieth (1/30) of one percent (1%) of the compensation entitled to under the contract, whether in the form of a contract price, commission, fee or wage, by the persons enumerated in 67-4-708(4)(A);
  - (b) One-thirtieth (1/30) of one percent (1%) of the gross commissions, margins, fees, or other charges by the persons enumerated in 67-4-708(4) (B).

For vehicle regulation, fees, see title 15, chapter 6 in this code. (1988Code, § 6-101)

**5-102. License required.** No person shall exercise any such privilege within the city without a currently effective privilege license, which shall be issued by the recorder to each applicant therefor upon the applicant's payment of the appropriate privilege tax. The license shall be publicly displayed in the place of business of the licensee. (1988 Code, § 6-102)



**CHAPTER 2****FISCAL YEAR****SECTION**

5-201. Dates of beginning and ending.

**5-201. Dates of beginning and ending.** The fiscal year for all departments of the City of Savannah shall begin on July 1 of each year and end on June 30 of each succeeding year. (1988 Code, § 6-201)

## CHAPTER 3

### TRAVEL REIMBURSEMENT REGULATIONS

#### SECTION

5-301. Purpose.

5-302. Enforcement.

5-303. Travel Policy.

5-304. Personal vehicle.

5-305. Travel Reimbursement Rate Schedules for Meal and Incidental Expenses.

5-306. Lodging.

**5-301. Purpose.** The purpose of this ordinance and referenced regulations is to maintain compliance with Tennessee Code Annotated § 6-54-901–907. This law requires Tennessee municipalities to adopt travel and expense regulations covering expenses incurred by “any mayor and any member of the local governing body and any board or committee member elected or appointed by the mayor or local governing body, and any official or employee of the municipality whose salary is set by charter or general law.”

To provide consistent travel regulations and reimbursement, this ordinance is expanded to cover regular city employees. It is the intent of this policy to assure fair and equitable treatment to all individuals traveling on city business at city expense.

**5-302. Enforcement.** The City Manager or his or her designee shall be responsible for the enforcement of these travel regulations.

**5-303. Travel Policy.** (1) In the interpretation and application of this ordinance, the term “traveler” or “authorized traveler” means any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the municipal governing body, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with this ordinance. “Authorized traveler” shall not include the spouse, children, other relatives, friends, or companions accompanying the authorized traveler on city business, unless the person(s) otherwise qualifies as an authorized traveler under this ordinance.

(2) Authorized travelers are entitled to reimbursement of certain expenditures incurred while traveling on official business for the city. Reimbursable expenses shall include expenses for transportation; lodging; meals; and other actual and necessary expenses related to official business as determined by the City Manager or his or her designee. Entertainment expenses may be eligible for reimbursement, with approval from the City Manager.

(3) Under certain conditions, as determined by the City Manager or his or her designee, authorized travelers can request a travel advance for the projected cost of authorized travel.

(a) Travel advance requests are not considered documentation of travel expenses. If travel advances exceed documented expenses, the traveler must immediately reimburse the city.

(4) The travel expense reimbursement form will be used to document all expense claims. If the City provided a travel advance, the traveler must include that information on the expense form. In the case of advances, the form must have a reconciliation summary, reflecting the total claimed expenses with advances indicated. The balance due the traveler or the refund due the City should be clearly shown below the total claim on the form or in a cover memo attached to the front of the form.

To qualify for reimbursement, travel expenses must be:

(a) Directly related to the conduct of the city business for which travel was authorized; and

(b) Actual, reasonable and necessary under the circumstances. The City Manager may make exceptions for unusual circumstances. Expenses considered excessive will not be allowed.

(2) Claims of more than \$5.00 (five dollars) for travel expense reimbursement must be supported by the original paid receipt for lodging, vehicle rental, phone call, public carrier travel, conference fee and other reimbursable costs.

(3) Any person attempting to defraud the city or misuse city travel funds is subject to legal action for recovery of fraudulent travel claims and/or advances. (Ord. #791-11-2013, Nov. 2013)

**5-304. Personal Vehicle.** Employees shall use city vehicles when possible. Mileage reimbursement requires preapproval by the City Manager or his or her designee.

When personal vehicles must be used, the city will pay the State of Tennessee's adopted general reimbursement rate for standard mileage for the use of the vehicle. Miles for reimbursement will be the most direct route from origin to destination and back and necessary vicinity related travel.

It shall be the responsibility of the traveler to provide adequate insurance to hold harmless the city for liability from the use of the private vehicle.

Travelers shall not be reimbursed or automotive repair or breakdowns when using their personal vehicles.

Mileage within the city is not normally considered eligible expenses for reimbursement.

Fines for traffic violations shall not be reimbursed by the city. (Ord. #791-11-2013, Nov. 2013)

**5-305. Travel Reimbursement Rate Schedules for Meals and Incidental Expenses.** Authorized travelers shall be reimbursed according to the federal travel regulation rates as published by the University of Tennessee's Institute of Public Service's Municipal Technical Advisory Service's Reimbursement Rates for Travel for meals and incidental expenses. The city's travel

reimbursement rates will automatically change when the University of Tennessee's Institute of Public Service's Municipal Technical Advisory Service's federal reimbursement rates are adjusted.

The municipality may pay directly to the provider for expenses such as meals, lodging and registration fees for conferences, conventions, seminars and other education programs.

In accordance with Internal Revenue Service (IRS) guidelines, meals and incidental expenses during authorized travel that does not require overnight stay may be reimbursed by the City but is considered compensation, and must be taxed accordingly. (Ord. #791-11-2013, Nov. 2013)

**5-306. Lodging.** Authorized travelers shall be reimbursed for actual, reasonable and necessary expenses incurred for lodging in a publicly licensed lodging facility during official business travel requiring an overnight stay. Authorized travelers sharing lodging shall report the expense on a pro-rated basis. Original lodging receipts must be submitted with the reimbursement form.

When making reservations for lodging, the government rate or conference rate should be requested from the hotel. (Ord. #791-11-2013, Nov. 2013)

## CHAPTER 4

### HOTEL AND MOTEL OCCUPANCY TAX

#### SECTION

- 5-401. Definitions.
- 5-402. Business license required.
- 5-403. Fee.
- 5-404. Not transferable.
- 5-405. Duration.
- 5-406. Register required; availability for inspection.
- 5-407. Rooms to be numbered.
- 5-408. Privilege tax levied; use.
- 5-409. Payment of the tax.
- 5-410. Compensation to the hotel.
- 5-411. Interest and penalty for late payment.
- 5-412. Records requirement.

**5-401. Definitions.** As used in this chapter, (1) “Consideration” means the consideration charged, whether or not received, for the occupancy in a hotel valued in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction there from whatsoever;

(2) “Hotel” means any structure or space, or any portion thereof, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes, but not limited to, any hotel, inn, tourist camp, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration;

(3) “Occupancy” means the use or possession, or the right to sue or possession, of any room, lodgings or accommodations in any hotel;

(4) “Operator” means the person operating the hotel whether as owner, lessee or otherwise.

(5) “Persons” means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, estate, trust, business trust, receiver, trustee, syndicate or any other group or combination acting as a unit; and

(6) “Transient” means any person who exercises occupancy or is entitled to occupancy of any rooms, lodgings or accommodations in a hotel for a period of less than thirty (30) continuous days. (Ord. #700-8-2006, Oct. 2006)

**5-402. Business license required.** No person will conduct, keep, manage, operate or cause to be conducted, kept, managed, or operated, either as owner, lessor, agent or attorney, any hotel in the city without having obtained a business license from the city manager or his designee to do so. (Ord. #700-8-2006, Oct. 2006)

**5-403. Fee.** The fee for each hotel business license shall be in accordance with the regulations of the Class 3 business license in effect at the time of issuance. (Ord. #700-8-2006, Oct. 2006)

**5-404. Not transferable.** No business license issued under this chapter shall be transferred or assigned. (Ord. #700-8-2006, Oct. 2006)

**5-405. Duration.** Hotel business license issued annually and shall expire on the last day of June of each year. (Ord. #700-8-2006, Oct. 2006)

**5-406. Register required; availability for inspection.** Every person to whom a permit is issued under this chapter shall at times keep a standard hotel register, in which shall be inscribed the names of all guests renting or occupying rooms in his hotel. Such register shall be signed in every case by the persons renting a room or by someone under his direction, and after registration is made and the name of the guest is inscribed as herein provided, the manager shall write the number of the room which guest is to occupy, together with the time such room is rented, before such person is permitted to occupy such room. The register shall be open to inspection at all times to the city manager or his designee. (Ord. #700-8-2006, Oct. 2006)

**5-407. Rooms to be numbered.** Each sleeping room and apartment in every hotel in the city shall be numbered in a plain and conspicuous manner. The number of each room shall be placed on the outside of the door of such room, and no two (2) doors shall bear the same number. (Ord. #700-8-2006, Oct. 2006)

**5-408. Privilege tax levied; use.**

(1) Pursuant to the provisions of Tennessee Code Annotated, §§ 67-4-1401 through 67-4-1425, there is hereby levied a privilege of occupancy in any hotel of each transient. From and after the operative date of this chapter the rate of the levy shall be five percent (5%) of the consideration charged by the operator. This privilege tax shall be collected pursuant to and subject to the provisions of these statutory provisions. The city recorder shall be designated as the authorized collector to administer and enforce this chapter and these statutory provisions. The city recorder shall be designated as the authorized collector to administer and enforce this chapter and these statutory provisions.

(2) The proceeds received from this tax shall be available for the city's general fund. Proceeds of this tax may not be used to provide a subsidy in any form to any hotel or motel. (Ord. #700-8-2006, Oct. 2006)

**5-409. Payment of the tax.** Payment of the tax by the motel to the city shall be no later than the 20<sup>th</sup> day of each month for the preceding month. (Ord. #700-8-2006, Oct. 2006)

**5-410. Compensation to the hotel.** The hotel may deduct two percent (2%) from the gross amount paid to the city, and said deduction shall be in

compliance with Tennessee Code Annotated, title 67, chapter 4, part 1405 (b). (Ord. #700-8-2006, Oct. 2006)

**5-411. Interest and penalty for late payment.** The hotel operator is responsible for paying interest on delinquent taxes, eight percent (8%) per annum, plus a penalty of one percent (1%) per month. (Ord. #700-8-2006, Oct. 2006)

**5-412. Records requirement.** The hotel operator must keep records for three (3) years, with the right of inspection by the city. (Ord. #700-8-2006, Oct. 2006)

## TITLE 6

### LAW ENFORCEMENT

#### CHAPTER

1. POLICE AND ARREST.
2. AUXILLIARY POLICE.

#### CHAPTER 1

### POLICE AND ARREST

#### SECTION

- 6-101. Policemen shall be bonded.
- 6-102. Policemen subject to chief's orders.
- 6-103. Policemen to preserve law and order, etc.
- 6-104. Policemen to wear uniform and be armed.
- 6-105. When policemen to make arrests
- 6-106. Policemen may require assistance in making arrests.
- 6-107. Disposition of persons arrested.
- 6-108. Police department records.

**6-101. Policeman shall be bonded.** The chief of police and each patrolmen shall execute a bond, payable to the City of Savannah Tennessee, for the use of the City of Savannah, in the penal sum of five thousand dollars (\$5,000.00), with a corporate surety thereon, and the premium for said bond shall be paid by the City of Savannah from the general fund. (1988 Code, 1-501)

**6-102. Policeman subject to chief's orders.** All policemen shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue. (1969 Code, § 1-502)

**6-103. Policemen to preserve law and order, etc.** Policemen shall preserve law and order within the city. They shall patrol the city and shall assist the city court during the trial of cases. Policemen shall also promptly serve any legal process issued by the city court. (1988 Code, § 1-503)

**6-104. Policemen to wear uniforms and be armed.** All policemen shall wear such uniform and badge as the board of commissioners 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.

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<sup>1</sup>Municipal code reference

Traffic citations, etc.: title 15, chapter 7 (1988 Code, § 1-504)



**6-105. When policemen to make arrests**<sup>1</sup>. Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a policeman in the following cases:

- (1) Whenever he is in possession of a warrant for the arrest of the person.
- (2) Whenever an offense is committed or a breach of the peace is threatened in the officer's presence by the person.
- (3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1988 Code, § 1- 505)

**6-106. Policemen may require assistance in making arrests**. It shall be unlawful for any male person willfully to refuse to aid a policeman in maintaining law and order or in making a lawful arrest when such a person's assistance is requested by the policeman and is reasonably necessary to effect the arrest. (1988 Code, § 1-506)

**6-107. 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. (1988 Code, § 1-507)

**6-108. Police department records**. The police department shall keep a comprehensive and detailed record in permanent form, showing:

- (1) All known or reported offenses and/or crimes committed within the corporate limits.
- (2) All arrests made by policemen.
- (3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (1988 Code, § 1-508)

## CHAPTER 2

### AUXILLARY POLICE

#### SECTION

6-201. Establishment.

6-202. Appointment, qualifications, and removal of members.

6-203. Organization.

6-204. Rules and regulations.

6-205. Supervision.

6-206. Violations.

**6-201. Establishment.** There shall be established within the police department an auxiliary police force to consist of twenty (20) members, who shall, when serving as policemen, have all the powers, duties, and responsibilities as conferred upon regular police officers, as provided by the state law and the charter and ordinances of the city. (1988 Code, § 1-601)

**6-202. Appointment, qualifications, and removal of members.** The members of the auxiliary police force shall be appointed by the city manager upon recommendation of the chief of police. Membership shall be upon a voluntary basis, and shall consist of persons who are good moral character and high integrity. The members shall be issued a card or certificate, showing that they are members of such police force, and will be issued a badge indicating their membership. Members shall wear such uniform, when on duty, as shall be prescribed by the chief of police. Members shall also wear such other articles or identification or insigne as may be prescribed by the chief of police. The members of the auxiliary police force shall be subject to removal, the chief of police or city manager shall so notify the member removed. The member shall return to the chief of police or the city manager, his identification card, badge and such other insigne as may have been issued to him. (1988 Code, § 1-602)

**6-203. Organization.** The auxiliary police force shall be organized under the supervision of the chief of the auxiliary police force; three (3) captains, one (1) being in charge of the officers of the auxiliary police force, one (1) being in charge of the officers of the auxiliary police force, one (1) in charge of supplies and acting as secretary of the auxiliary police force; two (2) lieutenants, one (1) in charge of each squad; two (2) sergeants, one (1) in charge of each squad under the lieutenants. The remainder of the auxiliary police force shall be designated as patrolmen. (1988 Code, § 1-603)

**6-204. Rules and regulations.** The chief of police shall make such rules and regulations as necessary for the meeting, training, and activities of the auxiliary police force. (1988 Code, § 1-604)

**6-205. Supervision.** The auxiliary police force shall be under the supervision and control of the chief of police, or in his absence, the city manager, or in his absence the mayor, or in his absence the next in line of authority, and shall perform such duties as assigned to it.

The members of the auxiliary police force shall be paid such compensation as may be fixed by the Savannah City Commission. In the event of an emergency the auxiliary police force may be called out for extended duty by the chief of police with the approval of the city manager or mayor and they shall be paid such compensation for the extended duty as may be fixed by the Savannah City Commission. (1988 Code, § 1-605)

**6-206. Violations.** It is hereby declared a misdemeanor for any person to act as an auxiliary policeman unless specifically authorized by the city manager, as provided in this chapter, or for any person to wear or display any of the insigne designating the auxiliary police force, or to represent himself to be a member thereof when he is not, and upon conviction before the city court, shall be punished under the general penalty clause of this code. (1988 Code, § 1-606)

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

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

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

7-101. Fire district described.

**7-101. Fire district described.** The corporate fire district shall be within those areas designated as B-3 (Central Business) districts as shown on the Zoning Map of Savannah, Tennessee. (1988 Code, § 7-101)

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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. Variances.
- 7-205. 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 International Fire Code, 2012 edition, 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 code has been filed with the city recorder and is available for public use and inspection. Said fire code is adopted and incorporated as fully as if set out at length herein and shall be controlling within the corporate limits. (1988 Code, § 7-201, as amended by Ord. #609-12-2000, Feb. 2001, and § 737-2-2009, April 2009, and as amended by Ord #806-3-2015, April 2015)

**7-202. Enforcement.** The fire 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. (1988 Code, § 7-202, modified)

**7-203. Definition of “municipality.”** Whenever the word “municipality” is used in the fire code herein adopted, it shall be held to mean the City of Savannah, Tennessee. (1988 Code, § 7-203, modified)

**7-204. Variances.** The chief of the fire department may recommend to the board of commissioners variances from the provisions of the fire 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 board of commissioners. (1988 Code, § 7-206, modified)

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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 International Code Council,  
900 Montclair Road, Birmingham, Alabama 35213-1206.

**7-205. Violations.** It shall be unlawful for any person to violate any of the provisions of this chapter or the International Fire 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 board of commissioners or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause for the municipal code shall not be held to prevent the enforced removal of prohibited conditions. (1988 Code, § 7-207, modified)

## CHAPTER 3

### FIRE DEPARTMENT

#### SECTION

- 7-301. Establishment, equipment, and membership.
- 7-302. Objectives.
- 7-303. Organization, rules, and regulations.
- 7-304. Records and reports.
- 7-305. Tenure and compensation of members.
- 7-306. Chief responsible for training.
- 7-307. City and county fire fighting system.
- 7-308. Chief to be assistant to officer.
- 7-309. Volunteer firemen.

**7-301. Establishment, equipment, and membership.** There is hereby established a fire department to be supported and equipped from appropriations by the board of commissioners of the city. All apparatus, equipment, and supplies shall be purchased by or through the city and shall be and remain the property of the city. The fire department shall be composed of a chief appointed by the city manager and such number of physically-fit subordinate officers and firemen as the chief shall appoint. (1988 Code, § 7-301)

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

- (1) To prevent uncontrolled fires from starting.
- (2) To prevent the loss of life and property because of fires.
- (3) To confine fires to their places of origin.
- (4) To extinguish uncontrolled fires.
- (5) To prevent loss of life from asphyxiation or drowning.
- (6) To perform such rescue work as its equipment and/or the training of its personnel make practicable. (1988 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. (1988 Code, § 7-303)

**7-304. Records and reports.** The chief of the fire department shall keep adequate records of all fires, inspections, equipment, personnel, and work of the department.

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<sup>1</sup>Municipal code reference

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

**7-305. Tenure and compensation of members.** The chief shall hold office so long as his conduct and efficiency are satisfactory to the board of commissioners. 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 board of commissioners may from time to time prescribe. (1988 Code, § 7-305)

**7-306. Chief responsible for training.** The chief of the fire department, shall be fully responsible for the training of the firemen, and the minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (1988 Code, § 7-306)

**7-307. City and county fire fighting system.** Provisions of the city and county fire fighting system shall be set by resolution adopted in open meeting by the board of commissioners. (Ord. #681-1-2005, March 2005)

**7-308. 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. (1988 Code, § 7-308)

**7-309. Volunteer firemen.** The volunteer firemen shall be under the supervision and control of the Savannah fire Chief, or in his absence, the city manager, or in his absence the mayor, or in his absence the next in line of authority, and shall perform such duties as assigned to it.

The members of the volunteer fire department shall be paid such compensation as may be fixed by the Savannah City Commission for each incident where their services are needed. (1988 Code, § 7-309)



## CHAPTER 4

### FIREWORKS

#### SECTION

- 7-401. Definitions
- 7-402. Storage, sale and use restricted.
- 7-403. Exceptions.
- 7-404. Public exhibitions.
- 7-405. Penalties.

**7-401. Definitions.** For the purpose of this chapter the following terms, phrases, and words have the meaning given herein:

(1) “Fireworks.” Any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, included but not limited to mean firecrackers, torpedoes, skyrockets, Roman candles, sparklers, or other device containing any such explosive substance. The term “fireworks” shall not include model rockets and model rocket engines which are designed, sold, and used for the purpose of propelling recoverable aero models, when actually used for that purpose and used under the supervision of the science instructor or other competent adult and when the place and time of firing the sky rockets or missiles has been approved by the fire chief. Nothing in this section shall be construed as forbidding the sale and use of blank cartridges for ceremonial, theatrical, or athletic events.

(2) “Sell of display.” Selling, offering to sell, exhibiting, or possession with intent to give away, sell of offer to sell within the city. (1988 Code, § 7-401).

**7-402. Storage, sale, and use restricted.** It shall be unlawful for any person, firm, partnership, or corporation to store or sell in, or ship into the corporate limits of Savannah, Tennessee any fireworks, except those fireworks classed as permissible fireworks in Tennessee Code Annotated, § 68-104-108. The storage and sale of permissible fireworks shall be subject to the following restrictions:

(1) The storage and sale of permissible fireworks is permitted only within the B-2 District, as shown on the Zoning Map of Savannah, Tennessee, and shall be subject to all conditions and restrictions contained in the Zoning Ordinance of Savannah, Tennessee.

(2) Any person, firm, partnership or corporation desiring to store and sell fireworks within the corporate limits of Savannah shall make applications for a permit to do so on forms provided for that purpose. The application shall be accompanied by a nonrefundable fee of one hundred dollars (\$100.00). An application can be obtained from the city recorder (or their designated representative). No permit shall be issued to a person under eighteen (18) years of age. All permits shall be issued for the calendar year or any fractions thereof and shall expire on December 31. A grace period of two (2) days shall be allowed each holder of a permit.

The application shall include the name of the person making application, the firm, partnership or corporation he represents, the business address of both the applicant and the partnership, firm, or corporation he represents, the address and description of the premises where the storage and sale of fireworks is contemplated, sale tax numbers and any other information the recorder deems pertinent to aid in the investigation of the application. The applicant shall obtain a Savannah business license and a permit from the State of Tennessee Fire Marshal's office.

The recorder shall refer the applicant to the fire chief (or their designated representative) who shall inspect the premises in which the storage and sale of fireworks is contemplated and make whatever investigation of the applicant or premises to insure that the premises and its operation by the applicant will not constitute a fire, explosion or similar safety hazard. The fire chief shall make a report of his investigation to the recorder within seventy-two (72) hours which indicate whether the application is approved or denied and shall clearly state the reasons for denial, if applicable. The report may also indicate a qualified approval based on the authority which the fire chief shall have to impose reasonable restrictions on the applicant and/or premises.

If the fire chief approves the application the recorder shall issue a permit. If the fire chief approval is qualified, the restrictions and conditions imposed by the chief upon the applicant and/or premises shall be stated in writing in the permit. The permit shall not be transferable to any other person, firm, partnership, corporation or premise.

An applicant denied a permit or whose permit contains conditions and restrictions shall have the right of appeal to the city commission within fourteen (14) days after denial or the issuance of the permit containing conditions and restriction by giving the recorder written notice of appeal. Pending appeal by said permit holder whose permit contains conditions and restrictions the permit holder shall abide by any and all conditions and restrictions contained in the permit.

(3) Any building where permissible fireworks are being displayed, sold or stored shall meet with the requirements of the International Building Code. Any temporary structure used for the display, sale or storage of permissible fireworks shall be of fire retardant material and display proof of same. No fireworks shall be sold at retail at any location where paints, oils and varnishes are for sale or used unless kept in the original unbroken containers, nor where resin, turpentine, gasoline, or other flammable substance which generate inflammable vapors is used, stored or sold. All locations used for the display, sale or storage of fireworks shall maintain on premises a fire extinguisher of at least a 2-A rating.

(4) Anything in this code to the contrary, no fireworks shall be sold, thrown or otherwise used from an automobile or any motor vehicle, whether the vehicle is moving or standing still.

(5) Permissible fireworks may only be sold on a seasonal basis from June 20 through July 5, and from December 10 through January 2.

(6) It shall be unlawful for any person to fire, set off, shoot, discharge, or otherwise explode any fireworks within the corporate limits of the City of

Savannah, except that it is permissible for persons to fire, shoot, set off, discharge or otherwise explode fireworks at their residence provided that;

- (a) The igniting and final firing or exploding is done entirely within the property lines of the person doing the firing;
- (b) Such firing is not objectionable to or does not create a nuisance insofar as other residence are concerned; and
- (c) The fireworks may only be fired, set off, shot, discharged or exploded on a seasonal basis from June 20 through July 5 and from December 10 through January 2.

(7) It shall be unlawful to store, sell, display, fire, set off, shoot, discharge or explode any fireworks within fifty feet (50') of any gasoline pump, gasoline filling station, gasoline bulk station, or any building in which gasoline or volatile liquids are sold in quantities in excess of one gallon.

(8) It shall be unlawful to offer for retail sale or to sell any fireworks to children under the age of ten (10) years or to any intoxicated or irresponsible person. It shall be unlawful to explode or ignite fireworks within five hundred feet (500') of any hospital, sanitarium, church, public school, or within two hundred feet (200') of where fireworks are stored, sold or offered for sale. No person shall ignite or throw any permissible articles of fireworks within or throw the same from a motor vehicle while within, nor shall any person place or throw any ignited article of fireworks into or at such a motor vehicle, or at or near any person or group of people. (Ord. #620-3-2001, May 2001)

**7-403. Exceptions.** Nothing in this ordinance shall be construed as forbidding the possession or use of any firework by those in charge of a public exhibition. Such exhibition may be held on any day or days of the year, provided that it is held at a location and conducted at any hour which is reasonable, which does not endanger persons or property, or cause a nuisance, and provided that a pyrotechnic expert is used, and provided that those in charge of the exhibition obtain a permit from the state fire marshal and comply with § 7-404 and all applicable state laws or regulations. (1988 Code, § 7-403)

**7-404. Public exhibitions.** Before municipal permission will be granted for a public exhibition or display of fireworks, the persons or organizations making such display shall file with city recorder a current and valid permit for the display issued by the state fire marshal.

When in order, the city recorder shall grant municipal permission by so annotating the state fire marshal permit. (1988 Code, § 7-404)

**7-405. Penalties.** It shall be unlawful and shall be declared a misdemeanor for any person to ignite, discharge, throw or sell any fireworks or other similar type of devices herein explained, in the City of Savannah, and any violation of this chapter shall be subject to a fine of not less than two dollars (\$2.00), nor more than fifty dollars (\$50.00), together with costs. (1988 Code, § 7-405)

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

1. INTOXICATING LIQUORS.
2. BEER AND OFF-PREMISES SALES.
3. ON-PREMISE BEER SALES.
4. TEMPORARY PERMITTED EVENT SALES.

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

- 8-101. Terms defined.
- 8-102. Subject to regulation.
- 8-103. State law and regulations incorporated by reference.
- 8-104. Manufacture prohibited.
- 8-105. Wholesale business prohibited.
- 8-106. State laws to be complied with.
- 8-107. Location restriction.
- 8-108. Regulations for purchase and sale of intoxicating liquors.
- 8-109. Regulation of retail sales.
- 8-110. License required for retail business.
- 8-111. Limitation on number of retailers.
- 8-112. Bonds of retailers.
- 8-113. Restrictions on license holders and their employees.
- 8-114. Content of application for certificate of good moral character.
- 8-115. Certificate of good moral character.
- 8-116. Selection of licensees as to vacancies.
- 8-117. Transfer of licenses prohibited; term of licenses; use of agents.
- 8-118. Expiration and renewal of license.
- 8-119. New license after revocation.
- 8-120. Ordinance not applicable to beer.
- 8-121. Federal license, effect of.
- 8-122. Inspection fee.
- 8-123. Retailers not to solicit orders or make deliveries off their premises.
- 8-124. Failure to pay license or inspection fee, etc.
- 8-125. City recorder and/or city commission may examine books, papers, etc. of dealers
- 8-126. Advertising.
- 8-127. Time period.
- 8-128. Violations.
- 8-129. Visible open containers on streets, etc., prohibited.
- 8-130. Presumption of license.

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

**8-101. Terms defined.** Whenever used herein unless the context requires otherwise:

(1) "Alcoholic beverage" or "beverage" means and includes alcohol, spirits, liquor, wine, and every liquid containing alcohol, spirits, wine, and liquor capable of being consumed by a human being, other than patented medicine, beer, wine, where the latter two (2) contain an alcoholic content of five percent (5%) by weight, or less.

(2) "Federal license" as used herein shall mean tax receipt or permit.

(3) "Gallon" or "gallons," wherever used herein, shall be construed to mean a wine gallon or wine gallons, of one hundred and twenty-eight (128) ounces. The word "quart" whenever used herein will be construed to mean one-fourth (1/4) of a wine gallon. The word "pint" wherever used shall be construed to mean one-eighth (1/8) of a wine gallon.

(4) "License" means the license issued herein, and "licensee" means any person to whom such license has been issued.

(5) "Manufacturer" means and includes a distiller, vintner, and rectifier. "Manufacture" means and includes distilling, rectifying, and operating a winery.

(6) "Retail sale" or "sale at retail" means a sale to a consumer or to any person for any purpose other than for resale.

(7) "Retailer" means any person who sells at retail any beverage for the sale of which a license is required under the provisions herein.

(8) "Wholesale sale" or "sale at retail" means a sale to a consumer or to any person for any purpose of resale.

(9) "Wholesaler" means any person who sells at wholesale any beverage for the sale of which a license is required under the provisions of Tennessee Code Annotated, title 57, chapter 3.

(10) "Wine" means the product of the normal alcoholic fermentation of the Juice of fresh, sound, ripe grapes, with the usual cellar, treatment, and necessary additions to correct defects due to climate, saccharine, and seasonal conditions, including champagne, sparkling and fortified wine of an alcohol content not to exceed twenty-one percent (21%) by volume. No other produce shall be called "wine" unless designated by appropriate prefixes descriptive of the fruit or other product from which the same was predominately produced, or an artificial or imitation wine.

Words importing the masculine gender shall include the feminine and the neuter, and the singular shall include the plural. (1988 Code, § 2-101)

**8-102. Subject to regulation.** It shall be unlawful to engage in the business of selling, storing, transporting, or distributing or to purchase or possess alcoholic beverages within the corporate limits of this city except as provided by Tennessee Code Annotated, title 57, and by rules and regulations promulgated thereunder, and as provided in this chapter. (1988 Code, § 2-102)

**8-103. State law and regulations incorporated by reference.** The general provisions in the state law relating to intoxicating liquors as contained in Tennessee Code Annotated, title 57, are hereby adopted as a part of this chapter and incorporated herein fully by reference.

The various regulations promulgated from time to time by the Tennessee Alcoholic Beverage Commission and Department of Revenue of the State of Tennessee, regarding the sale of alcoholic beverages as herein defined are hereby adopted as a part of this chapter and incorporated herein fully by reference. (1988 Code, § 2-103)

**8-104. Manufacture prohibited.** The manufacture of alcoholic beverages is prohibit within the corporate limits. (1988 Code, § 2-104)

**8-105. Wholesale business prohibited.** No person, firm or corporation shall engage in the business of selling alcoholic beverages at wholesale within the corporate limits. (1988 Code, § 2-105)

**8-106. State laws to be compiled with.** No person, firm, corporation, association or partnership shall engage in the retail liquor business, unless all the necessary state licenses and permits have been obtained. (1988 Code, § 2-106)

**8-107. Location restrictions.** It shall be unlawful for any person to operate or maintain a liquor store for the retail sale of alcoholic beverages in the City of Savannah unless said location be in either Zone B-1, B-2, B-3, or M-1, and said location of the liquor store is approved by resolution of the city commission of the City of Savannah. And in no event will such store be allowed where it is two hundred feet (200') or nearer to the nearest property line of any church or school or public playground as measured by the distance a pedestrian would normally walk from the center of the door of such liquor store to the center of the front door of such church, school or the nearest corner of any public playground. No more than one (1) liquor store shall be located in one (1) city block and no liquor store shall be located in the same city block with a church. A city block shall be the linear distance between adjacent intersections along the same street, nor there did any billboard or other advertising of alcoholic beverages within the aforementioned restrict area. (1988 Code, § 2-107)

**8-108. Regulations for purchase and sale of intoxicating liquors.** (1) It shall be unlawful for any person in this state to buy any alcoholic beverages herein defined from any person, who, to the knowledge of the buyer, does not hold the appropriate license under the laws of this state authorizing the sale of said beverages to him.

(2) No retailer shall purchase any alcoholic beverages from anyone other than a licensed wholesaler, provided that such alcoholic beverages sold by one wholesaler to another wholesaler shall be transported by a common carrier.

(3) No manufacturer or distiller shall sell any alcoholic beverages to any person in this state except a licensed wholesaler and to another manufacture or distiller, and no manufacturer shall hold a wholesaler's license.

(4) No alcoholic beverage for sale to the retailer, or his representative, shall be sold except by a licensed wholesaler, who sells for resale on his premises and who carries on no other business, directly or indirectly, and whose said

wholesale business in alcoholic beverages is not operated as an adjunct to, or supplementary to, the business of any other person, either by way of lease of said wholesale premises or otherwise, for any business other than that permitted by the terms of his wholesale license.

(5) No licensee shall sell intoxicating liquors at retail in connection with any wholesale business, or as part of or in connection with any other business or in the same store where any other business is carried on.

(6) No wholesale or retail store shall be located except on the ground floor, and it shall have one (1) main entrance opening on a public street and such place of business shall have no other entrance for use by the public except as hereinafter provided. When a retail store is located on the corner of two (2) public streets such retail store may maintain a door opening on each of the public streets. Provided, however, that any sales room adjoining the lobby of a hotel or other public building may maintain an additional door into such lobby so long as same shall be open to the public, and, provided further, that every wholesale and retail store shall be provided with whatever entrances and exits may be required by existing or future municipal ordinances. Provided further, when the location of a wholesale or retail liquor store is authorized to be located or operated within an established shopping center or shopping mall, and said liquor store cannot and does not have a main entrance or door opening onto a public street, but said main entrance or door would open or front on a shopping center parking area. Under such conditions and circumstances, the commission in their discretion may approve the issuance of a liquor license to cover said location within the shopping center or shopping mall, irrespective of the fact that said main entrance or door does not or would not open onto a public street.

(7) No holder of a license for the sale of alcoholic beverages for wholesale or retail shall sell, deliver, or cause, permit or procure to be sold or delivered, any alcoholic beverages on credit, except that holders of wholesale license may sell on not more than ten (10) days credit.

(8) No alcoholic beverages shall be sold for consumption on the premises of the seller.

(9) To the fullest extent, consistent with the nature of the establishment, full, free and unobstructed vision shall be afforded from the street and public highway to the interior of the place of sale or dispensing of alcoholic beverages there sold or dispensed.

(10) Said alcoholic beverages shall be sold in a building of a permanent type construction, and no store shall be located in any mobile home or other movable type building. Said store shall have night lighting all around the outside of the premises and shall be equipped with a burglar alarm system on the inside of said premises. (1988 Code, § 2-108)

#### **8-109. Regulation of retail sales.**

(1) No retailer shall directly or indirectly, operate more than one place of business in any city, and the word "indirectly" shall include and mean any kind of interest in another place of business by way of stock of ownership, loan, partner's interest, or otherwise.

(2) No retailer shall sell any alcoholic beverages to any person who is drunk, nor shall any retailer selling alcoholic beverages sell to any person accompanied by a person who is drunk.

(3) No retailer shall sell any alcoholic beverages to a person known to be a minor.

(4) No retailer shall sell or give away any alcoholic beverages between 11:00 P.M. on Saturday and 8:00 A.M. , on Monday of each week. No retail store shall sell, give away or otherwise dispense alcoholic beverages except between the hours of 8:00 A.M. and 11:00 P.M. on Monday through Saturday. The store may not be opened to the general public except during regular business hours.

(5) No retailer shall sell any alcoholic beverages, on any day of a general or primary election, between the hours of 1:00 A.M. and 11:00 P.M. The word "election" shall also be defined and include any municipal or special election.

(6) No retailer of alcoholic beverages shall keep or permit to be kept upon the licensed premises any alcoholic beverages in any unsealed bottles or other unsealed containers.

(7) No retailer as herein defined shall own, store or possess upon the licensed premises any unstamped merchandise required by the laws of Tennessee to have affixed thereto revenue stamps of said state.

(8) No retailer of alcoholic beverages shall keep or permit to be kept upon the licensed premises any alcoholic beverages on the following holidays: Christmas, Thanksgiving, Labor Day, New Year's Day, and the Fourth of July.

(9) No retailer as herein defined shall allow political advertising or for any candidate or party by poster, hand-out card, matches or other similar election campaign material shall be place or dispensed on the premises of any retailer liquor. (1988 Code, § 2-109)

**8-110. License required for retail business.** For the retail sale of alcoholic beverages a license may be issued as herein provided. Any person, firm, or corporation desiring to sell alcoholic beverages to patrons or customers, in sealed packages only, and not for consumption on the premises, shall make application to the city manager for a retailer's license. The application shall be in writing on forms prescribed and furnished by the city manager. Subject to the issuance of a retail license by the Tennessee Alcoholic Beverage Commission, a majority of the city commission may issue such retailer's license. Such retailer's license shall not be issued unless and until the applicant therefor shall pay the city recorder a license fee of two hundred and fifty dollars (\$250.00); and no license shall be issued except to individuals, which latter term is deemed to include, but not be limited to, individual citizens, corporations to individuals, which latter term is deemed to include, but not be limited to, individual citizens, corporations (all stockholders and officers), partnerships and join ventures (including all partners), limited partnerships (including the general partners and limited partners), associations of any kind (including all members), legal receiverships (including trustees in bankruptcy), estates (including administrators, executors, devisees and beneficiaries), and trusts of every kind (including trustees and beneficiaries), who must have been, for at least two (2) years, a citizen of the United States and a



resident citizen of Hardin County, Tennessee, and shall remain a U. S. Citizen and a resident citizen of Hardin County, Tennessee, after receiving a liquor license in the name of such person or entity.

**Definition of residence.** The word “residence” is defined as a place where one dwells, where a person lived in a settled abode, the place where a person lives with the intention of making his, her or its home, and to which, whenever he or she is absent, he or she has the intention of returning, the principal domestic establishment of an individual or entity and the place where one makes the chief seat of his, her, or its affairs and interest. As to corporations and other similar legal entities mentioned herein, as to residency, is where the governing power of the corporation or legal entity is exercised; where those meet in counsel who have a right to control its affairs and prescribe what policy of the corporation or entity shall be pursued, and not where the labor is performed in executing the requirements of the corporation in transacting its business. As defined herein, a residence in Hardin County shall not include a residence of one using the same as a second home, cabin or other dwelling when one is a resident as defined herein in a county other than Hardin County. (1988 Code, § 2-110)

**8-111. Limitation on number of retailers.** No more than four (4) retailers licenses for the sale of alcoholic beverages as defined herein shall be issued under this chapter. (1988 Code, § 2-111)

**8-112. Bonds of retailers.** Bonds required herein shall be executed by a surety company, duly authorized and qualified to do business in Tennessee. Bonds of retailers shall be one thousand dollars (\$1,000.00). Said bonds shall be conditioned that the principal thereof shall pay any fine which may be assessed against such principal. (1988 Code, § 2-112)

**8-113. Restrictions on license holders and their employees.**

(1) The license fee for every license hereunder shall be payable by the person making application for such license and to whom it is issued, and no other person shall pay for any license issued under this chapter. In addition to all other penalties, a violation of this section shall authorize and require the revocation of the license, the fee for which was paid by another, and also the revocation of the license, if any, of the person so paying for the license of another.

(2) No retailer’s license shall be issued to a person who is a holder of public office, either appointive, or elective, or who is a public employee, either national, state, city or county. It shall be unlawful for any such person to have any interest in such retail business, directly or indirectly, either proprietary or by means of any loan, mortgage, or lien, or to participate in the profits of any such business.

(3) No retailer shall be a person who has been convicted of a felony involving turpitude within ten (10) years prior to the time he or the concern with which he is connected shall receive a license; provided, however, that this provision shall not apply to any person who has been so convicted, but whose rights of citizenship have been restored or judgment of infamy has been removed by a court

of competent jurisdiction; and in the case of any such conviction occurring after a license has been issued and received, the said license shall immediately be revoked, if such convicted felon be an individual licensee, and if not, the partnership, corporation or association with which he is connected shall immediately discharge him.

(4) No license shall under any condition be issued to any person who within ten (10) years preceding applications for such license or permit have been convicted of any offense under the laws of the State of Tennessee or any other state or of the United States prohibiting or regulating the sale, possession, transportation, storing, manufacturing, or otherwise handing intoxicating liquors or who has, during said period, been engaged in business alone or with others, in violation of any said laws or rules and regulations promulgated pursuant thereto, or as they existed or may exist thereafter.

(5) No manufacturer, brewer, or wholesaler shall have any interest in the business or building containing licensed premises of any other person having a license hereunder, or in the fixtures of any such person.

(6) It shall be unlawful for any person to have ownership in, or participate, either directly or indirectly, in the profits of any retail business licensed hereunder, unless his interest in said business and the nature, extent, and character thereof shall appear on the application; or if the interest is acquired after the issuance of a license, unless it shall be fully disclosed to the city commission and approved by a majority of them. Where such interest is owned by such person on or before the application for any license, the burden shall be upon such person to see that this section is fully complied with, whether he, himself, signs or prepared the application, or whether the same is prepared by another; or if said interest is acquired after the issuance of the license, the burden of said disclosure of the acquisition of such interest shall be upon the seller and the purchaser.

(7) No person shall be employed in the sale of alcoholic beverages except a citizen of the United States.

(8) No retailer, or any employee thereof, engaged in the sale of alcoholic beverages shall be a person under the age of twenty-one (21) years, and it shall be unlawful for any retailer to employ any person under twenty-one (21) years of age for the physical storage, sale, or distribution of alcoholic beverages, or to permit any such person under said age in its place of business to engage in the storage, sale or distribution of alcoholic beverages.

(9) No retailer shall employ in the storage, sale, or distribution of alcoholic beverages, any person who within ten (10) years prior to the date of his employment, shall have been convicted of a felony involving moral turpitude, and/or convicted of any offense under the laws of the State of Tennessee or any other state, or the United States prohibiting or regulating the sale, possession, transporting, storing, manufacturing, or other handling of intoxicating liquors, and in case an employee should be convicted he shall immediately be discharged; provided however, that this provision shall not apply to any person who has been so convicted, but whose rights of citizenship have been restored, or judgment of infamy has been removed by a court of competent jurisdiction.

(10) The issuance of a license does not vest a property right in the licensee, but it is a privilege subject to revocation or suspension under this chapter.

(11) Misrepresentation of a material fact or concealment of a material fact required to be shown in the application for a license shall be a violation of this chapter. (1988 Code, § 2-113)

**8-114. Content of application for certificate of good moral character.**

Each applicant for a certificate of good moral character shall file with the city manager a complete form of application, on a form to be provided by the city manager. The application form shall be accompanied by a copy of each application and each questionnaire form and other material to be filed by the applicant with the State Alcoholic Beverage Commission in connection with this same application, and shall also be accompanied by one copy of a plan drawn to a scale of not less than one inch equals twenty feet (1" = 20'), giving the following information:

(1) The shape, size and location of the lot upon which the liquor store is to be operated under the license;

(2) The shape, size, height and location of all buildings, whether they are to be erected, altered, moved or existing upon the lot;

(3) The off-street parking space and off-street loading and unloading space to be provided including the vehicular access to be provided from these areas to a public street; and

(4) The identification of every parcel of land within two hundred feet (200') of the lot upon which the liquor store is to be operated indicating ownership thereof and the locations of any structure situated thereon, and the use being made of every such parcel.

The application form shall be signed and verified by each person to have any interest in the license either as owner, partner, stockholder, director, officer or otherwise. If at any time the applicable state statutes shall be changed, so as to dispense with the requirement of a certificate of good moral character, no original or renewal license shall be issued until an application in the same form has been filed with the city manager. The city manager shall review each application, note any apparent questions, errors and insufficiencies and action. (1988 Code, § 2-114)

**8-115. Certificate of good moral character.** A certificate of good moral shall be signed by the mayor and a majority of the city commission while in session and conditioned upon the application fulfilling the following requirements:

(1) The applicant or applicants who are to be in actual charge of the business are to be of good moral character and are to be personally known to a majority of the city commission, or

(2) If a corporation, the exclusive officers of those in control are to be of good moral character and personally known to a majority of the city commission, or

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

(4) Each applicant must furnish to the city commission a financial statement before time of making an application. (1988 Code, § 2-115)

**8-116. Selection of licensees as to vacancies.** If there becomes a vacancy in the number of authorized liquor licenses, as provided by this chapter, either by reason of sale, death incapacitation, etc., then the person holding the legal license or his representative, guardian, administrator, etc., may sell said business and that purchaser shall be entitled to file for a new license to fill said vacancy, and if said purchaser qualified under this chapter as to character and location, and the state regulations, that purchaser will be issued a certificate of good moral character to replace the vacant license.

The city commission shall be entitled to review all sales contracts concerning said transfers, before a license is issued for the vacant license.

The vacant license must be surrendered before the purchaser may obtain a license, as provided by this section.

This section is to be read along with §§ 8-111 and 8-117. (1988 Code, § 2-116)

**8-117. Transfer of licenses prohibited; term of licenses; use of agents.** The holder of a license may not sell, assign, or transfer such license to any other person, and said license shall be good and valid only for the calendar year in which the same was issued. Provided, however, that licenses who are serving in the military forces of the United States in time of war may appoint an agent to operate under the license of the license during the absence of the licensee. In such instances, the license shall continue to be carried and renewed in the name of the owner. The agent of the license shall conform a license shall be eligible to serve as the agent of a licensee under this section. In any case where a licensee is an individual and the individual dies or become incapacitated during the term of licensee, upon proper application to the city commission and upon compliance with all regulations hereunder and all applicable laws of the State of Tennessee or of the Alcoholic Beverage Commission, the widow or duly qualified and appointed personal representative or guardian or conservator of said licensee may be issued a license for said retail establishment for the duration of the term of the original licensee's license. If a partnership, the surviving partner may do likewise, having said license issued to him as an individual. (1988 Code, § 2-117)

**8-118. Expiration and renewal of licenses.** Licenses issued under this chapter shall expire at the end of each calendar year and subject to the provisions of this chapter, may be renewed each calendar year by payment of the above license fee. (1988 Code, § 2-118)

**8-119. New license after revocation.** Where a license is revoked, no new license shall be issued to permit the sale of alcoholic beverages on the same premises until after the expiration of one (1) year from the date said revocation becomes final and effective. (1988 Code, § 2-119)

**8-120. Ordinance not applicable to beer.** No provision of this chapter shall be considered or construed as in any way modifying, changing or restricting the rules and regulations governing the sale, storage, transportation etc., or tax upon beer or other liquids with an alcoholic content of five percent or less. (1988 Code, § 2-120)

**8-121. Federal license, effect of.** The possession of federal license to sell alcoholic beverages without the corresponding requisite state and city license, shall in all cases be prima facie evidence that the holder of such federal (1988 Code, § 2-121)

**8-122. Inspection fee.** There is hereby imposed an inspection fee of eight percent (8%) of all gross sales of alcoholic beverages by licensees under this chapter. The payment of said fee shall be due in the office of the city recorder on the 20th day of each month following the month in which said sales were made, and said fee shall be accompanied by a sworn report of gross sales of said beverages by said licensee for the month in question, upon a form to be adopted by the city commission, if any. Failure to pay said fee and make said report accurately within the time prescribed shall at the discretion of a majority of the city commission, cause a suspension of the license for any period of time or cause a revocation of said license. (1988 Code, § 2-122)

**8-123. Retailers not to solicit orders or make deliveries off their premises.** No holder of a license issued shall employ any canvasser or solicitor for the purpose of receiving an order from a consumer for any alcoholic beverages at the residence or places of business of such consumer, nor shall any such licensee receive or accept any such order which shall have been solicited or received at the residence or place of business of such consumer. This paragraph shall not be construed so as to prohibit the solicitation by a state licensed wholesaler of any order from any licensed retailer at the licensed premises. (1988 Code, § 2-123)

**8-124. Failure to pay license or inspection fee, etc.** Whenever any person licensed hereunder fails to account for or pay over to the city recorder any license fee or inspection fee, or defaults in any of the conditions of his bond, the city recorder shall report the same to the city attorney who shall immediately institute the necessary action for the recovery of any such license or inspection fee. (1988 Code, § 2-124)

**8-125. City recorder and/or city commission may examine books, papers, etc., of dealers.** The city recorder and/or city commission is authorized to examine the books, premises, papers, and records of any dealer for the purposes of determining whether the provisions of this chapter are being complied with. Any refusal to permit the examination of any of such books, papers, and records, or the investigation and examination of such premises, shall constitute sufficient reason for the revocation of a license and/or the refusal to issue a license. (1988 Code, § 2-125)

**8-126. Advertising.** There shall be no advertising of any kind whatever on the premises where alcoholic beverages are sold except as hereinafter set out.

(1) Each permitted location shall be allowed to have one free standing sign. The permitted free standing sign shall be of a location and maximum size as referenced by Section 14-1013(2) of the Municipal Code and related definitions of the Municipal Code. Such permitted sign shall primarily be non-changing with the exception of an allowable manually changed or electronic message board at the bottom of the sign. The permitted message board shall be part of, but not exceed 25% of the square footage of the permitted pole sign. Any electronic message portion of a permitted free standing sign shall be regulated by Sections 14-10138 (c), (d), (e), (f) & (g) of the Municipal Code.

(2) Each permitted location shall be allowed one projecting sign as referenced by Section 14-1013(7) of the Municipal Code as it pertains to sign regulations and related definitions of the Municipal Code.

(3) All inside product advertising that cannot be seen from the outside of the building shall be regulated by the Tennessee Alcoholic Beverage Commission.

(4) All product advertising attached to the outside of the building shall be regulated by the Tennessee Alcoholic Beverage Commission.

(5) All product advertising attached to windows and glass entrance doors of the building shall be regulated by the Tennessee Alcoholic Beverage Commission.

(6) Each permitted location shall be allowed attached signs as referenced by Section 14-1013(3) (b), (c), (d) & (e) of the Municipal Code as it pertains to sign regulations and related definitions of the Municipal Code. (Ord. #793-12-2013, Dec. 2013)

**8-127. Time period.** Any applicant who has obtained a certificate of good moral character from a majority of the city commission as provided hereinabove, must, within six (6) months open a store for the retail sale of alcoholic beverages to the public or said certificate of good moral character will be considered to have been fraudulently obtained and will be automatically revoked by the passage of said time, and a certification thereof will be forwarded immediately to the Alcoholic Beverage Commission of the State of Tennessee, and the license issued to said application will be considered to have been cancelled and revoked. (1988 Code, § 2-127)

**8-128. Violations.** Any violations of this chapter, state law applicable to intoxicating liquors, or Tennessee Alcoholic Beverage Commission regulations shall be subject to review by the Tennessee Alcoholic Beverage Commission, and in their discretion and according to their procedure licenses granted hereunder may be suspended or revoked.

**8-129. Visible open containers on streets, etc., prohibited.** Visible possession of alcoholic beverage in an unsealed container upon any public street or within any governmental building shall be violation of this chapter. (1988 Code, § 2-128)

**8-130. Presumption of license.** No person shall be deemed to have a property right in any license issued hereunder, nor shall said license itself, or the enjoyment thereof, be considered a property right.

Further a license under this chapter to sell at retail, liquor is deemed to accept said license with the implied condition that laws and regulations, including the increase in tax and fees, which would curtail it, might legally be made during the term of this license. (1988 Code, § 2-130)

## CHAPTER 2

### BEER AND OFF-PREMISE SALES

#### SECTION

- 8-201. Legalizing the sale, distribution and manufacture of beer.
- 8-202. Beer board established.
- 8-203. Meetings of the beer board.
- 8-204. Beer defined.
- 8-205. Preservation of public health, safety, etc.
- 8-206. Restriction as to the location of beer places.
- 8-207. Sale and storage of beer.
- 8-208. Enforcement by policemen.
- 8-209. Conditions precedent to the issuance of permits.
- 8-210. Beer board action on beer permit.
- 8-211. Beer permit and license, taxes.
- 8-212. Posting of permits.
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- 8-214. Revocation or suspension of beer permits and civil penalty in lieu of revocation or suspension.
- 8-215. Miscellaneous offenses relating to beer.
- 8-216. Annexation into corporate limits.
- 8-217. Miscellaneous.
- 8-218. Hours of sale.
- 8-219. Drinking beer or like beverage in automobile a misdemeanor.
- 8-220. Rules and regulations.
- 8-221. Penalty for violation.
- 8-222. Violation by employee.

**8-201. Legalizing the sale, distribution and manufacture of beer.** It shall be lawful to sell, transport, store, distribute, possess, receive and/or manufacture beer of alcoholic content of not more than such weight, volume or alcoholic content as is allowed by the statutory laws of the State of Tennessee, within the corporate limits of the City of Savannah, subject to all of the regulations, limitations and restrictions hereinafter provided, and subject to rules and regulations promulgated by authorized public officials or boards, and subject to the provisions of Tennessee Code Annotated, § 57-5-101 et. seq., and any amendments thereto that may hereinafter be made. (1988 Code, § 2-201)

**8-202. Beer board established.** There is hereby established for the purpose of regulating beer business in the city a beer board, consisting of the mayor and board of commissioners. The mayor shall serve as chairman of the beer board; shall preside at all its meetings; shall have equal voting power with the other beer board members, and shall see that minutes are kept of all board meetings in an official minute book.



A majority of the beer board shall constitute a quorum, but it shall act only upon the affirmative vote of a majority of all its members. The beer board shall meet at the call of its chairman when necessary and proper to effectually carry out its duties and the provisions of this chapter.

The vice-mayor will act as chairmen in the absence or inability of the chairman (mayor). The city recorder will act as secretary of the board, and in his absence or inability, the city manager will act as vice-secretary. Members of the beer board, including its secretaries, shall serve without compensation. All voting will be done by roll call, recording the yeas and nays. (1988 Code, § 2-202)

**8-203. Meetings of the beer board.** All meetings of the beer board shall be open to the public. All meetings shall be conducted in the city hall at such times the beer board shall prescribe. Meetings may be held at other places provided adequate notice is given the board and the public. A special meeting of the beer board may be called by its chairman provided he or she gives reasonable notice thereof to each board member and the public, and the board may adjourn a meeting at any time to another time and place. At this time the beer board will meet on nights after regular meeting of the city commission.

The secretary shall make a record of the proceedings of the beer board which shall be a public record, attested to by the chairman and secretary, and shall contain the dates of meetings; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; the motion or resolution presented; the vote of each member thereon; the provisions of each beer permit issued by the board; in cases of hearings before the beer board, a record of evidence introduced and testimony heard before the board, and for this purpose the chairman has the authority to retain a court reporter, who shall authenticate all testimony taken by her or him and attested to thereafter by the chairman and secretary. A member present and not voting on an issue is deemed a nay vote. (1988 Code, § 2-203)

**8-204. Beer defined.** The term “beer” as used in this chapter shall mean and include all beers, ales and other malt liquors as defined by the State of Tennessee. (1988 Code, § 2-204) (Ord. # 805-2-2015, March 2015)

**8-205. Preservation of public health, safety, etc.** No beer permit or license shall be granted which will likely interfere with the public health, safety or morals. (1988 Code, § 2-205)

**8-206. Restriction as to the location of beer places.** No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, churches or other places of public gathering, or would otherwise interfere with the public health, safety and morals. A beer place at this time can only be located within a B-1, B-2 or B-3 zoning location and will otherwise comply with zoning laws. (1988 Code, § 2-206)

**8-207. Sale and storage of beer.**

(1) When sale or storage of beer as defined herein is used in this chapter, the same will apply to sale for the purpose of “off-premises” consumption only and the storage of beer only in premises authorized herein to sell. Sales provided herein may be either sold hot or cold. All beer sold shall be placed in bags before taken from the premises. Beer shall not be kept outside the building for sale.

(2) There shall be no advertising of the product of beer or ale on the exterior of the building or about the outside premises. Signs may be used in the windows of said premises to advertise the sale of beer or ale, provided they are not lighted in any fashion or manner. Lighted beer displays and advertisements may be used in the interior of the premises, provided they cannot be seen from the outside.

(3) It shall be a violation of this chapter to sell any beverage coming within the provision of this chapter for consumption on the premises where sold, premises meaning the business house and the adjacent parking lots or alleys.

(4) No permit shall be issued to sell any beverage coming under this chapter for off-premises consumption in a room or place used to carry on the business of playing at pool or billiards, mechanical games of any kind including, but not limited to, pinball, video and other mechanical games, bowling alleys, skating rinks, swimming pools, taxi stands, movie theatres and drive-in movies, hotels, motels, regularly incorporated clubs and lodges, and service stations, the latter meaning a place where the main business is the care and maintenance of cars, trucks, tractors, and other vehicles, but this does not include grocery business which provide gasoline purchases.

(5) A grocery business shall be defined under this chapter as a store which normally sells on a routine and daily basis, the usual staple food items, foods, dairy products, and household supplies; and the sales of the latter defined goods shall always exceed the sales of beer with at least seventy-five percent (75%) non-beer sales. The secretary of the beer board, or whomsoever he may designate, may make periodic audits at any beer establishment to determine compliance under this section.

(6) It is the intent of this chapter that no business establishment will be allowed to sell beer under the guise of placing a few food items in the establishment to qualify as a grocery store or convenience food store, in that it is against the intent of this chapter to allow an establishment to be a mere beer outlet.

To insure that the intent and purpose of § 8-207(5) and (6) are more thoroughly regulated to reflect the intent and purpose of the permit and that this amendment will not only make it clear to the intent of § 8-206 (5) and (6). That every potential applicant for a beer permit wherein there has not ever existed a grocery/beer establishment, that said permit applicant shall be required to operate as an existing grocery business for forty-five (45) days prior to making application for a beer permit and shall notify the board by written certified mail that said applicant will file for a beer permit within forty-five (45) days prior to making application for a beer permit and shall notify the board by written certified mail that said applicant will file for a beer permit within forty- five (45) days of the date of the letter. Application may be made prior to conclusion of the forty-five (45) days

to allow normal processing of information during the stated forty-five (45) days. One the permit is issued under this procedure, said permit holder will still be subject to periodic audits to determine compliance with § 8-207(5). Any grocery/beer establishment whether new or old in existence violated the seventy-five percent (75%) grocery requirements will be subject to suspension as fixed by the beer board and on the second offense by the new or established store, the permit will be revoked unless extreme circumstances show a reason that the permit should not be revoked. (1988 Code, § 2-207, as amended by Ord. #666-7-2004, Sept. 2004, and Ord. #704-1-2007, March 2007)

**8-208. Enforcement by policemen.** City policemen shall be charged with the enforcement of this chapter, including this section. Violators shall be prosecuted in the city court and if licensed, complaints may be filed against them with the chairman of the beer board. This section shall not be construed so as to deny private individuals of their right to file written complaints against licensees, as provided hereinafter. (1988 Code, § 2-208)

**8-209. Conditions precedent to the issuance of permits.** It shall be unlawful for any person, corporation, etc., 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 permit shall at times be subject to all limitations and restrictions herein provided. Also, the applicant shall certify that he has read and is familiar with the provisions of this chapter. The application shall be made on such form as the board shall prescribe or furnish. Each applicant must be a person of good moral character.

Separate permits shall be required for selling at retail, storing, distributing and manufacturing. All beer permits shall be restrictive as to the type of beer business authorized under them. 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 and it will likewise be unlawful for him not to comply with any and all expressed restrictions or conditions which may be written into his permit by the beer board.

Further the applicant shall establish the following facts are hereby made conditions of any permit issued hereunder, and any misstatements of fact shall be sufficient cause for denying of a permit of the revocation of any permit issued.

- (1) The applicant shall be the owner of the business.
- (2) The location of the premises at which the business shall be conducted, the applicant to furnish to the board, if requested, detailed drawing or plat of competent surveyors, the proposed premises and location of adjoining property owners
- (3) That he nor any of his employees has been convicted of any violations of any laws of the U.S., any state, city, or county, prohibiting the possession, sale, manufacture or transportation of any intoxicating liquor or any crime involving moral turpitude within the last ten (10) years.
- (4) No sales shall be made to minors or incompetents, intoxicated or disorderly persons.

(5) No minors shall be employed in the direct selling of beer, the exception being grocery stores, wherein minors may work about said beer business but not be involved in any sales or packaging.

(6) Any loud, unusual or obnoxious noises to emanate from his premises.

(7) Allow any minor under eighteen (18) years to loiter in or about his place of business, as well as any intoxicated or disreputable person.

(8) Allow gambling or gambling devices on his premises.

(9) Allow dancing on his premises.

(10) Allow beer to be sold whenever the business or premises is closed.

(11) To sell or allow his agents, servants or employees to sell or dispense beer when the person selling or dispensing beer is drinking intoxicants of any kind.

(12) Sell beverages without manufacturing labels.

(13) That the applicant has not had his license revoked within any state in the last five years.

(14) Shall not sell any alcoholic beverages with alcoholic content greater than that allowed by the State of Tennessee. (Ord. # 805-2-2015, March 2015)

(15) He agrees that any false statement made in his application shall deny his permit or forfeit any issued permit and he shall not be eligible to receive another for a period of ten years (10) years thereafter, and this includes principals wherein the applicant is acting for such principals.

(16) He will not allow beer to be sold in premises wherein any type of pinball, video or other mechanical games are allowed to be played as a part of the business on said premises.

(17) That no beer will be sold through a drive-in window or any premises.

(18) No beer shall be sold on any premises wherein it is transferred from one container to another, particularly where beer is transferred from a beer keg to a carton or container. (1988 Code, § 2-209)

**8-210. Beer board action on beer permit.** Upon the filing of an application, no application shall be acted upon by the board unless:

(1) The application is submitted to the city recorder thirty (30) days prior to the beer board meeting at which is to be considered, unless said period is waived by the beer board. The recorder shall, within five (5) days after receipt of an application, notify each member of the board of such application.

(2) Before accepting an application the recorder will collect an application fee Of two hundred fifty dollars (\$250.00) from each applicant for investigation, publication, etc., expense which shall not be refundable.<sup>1</sup>

(3) The recorder will review the application as to whether it meets requirements of the ordinance and state laws.

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 57-5-104(a).

(4) Before any application is acted upon by the board, notice will be placed in a newspaper of general circulation two (2) times by the recorder, of the applicant and his location and the time and place wherein the application will be considered. No action can be taken by the board until this notice is met. Republication is not required when the same application is deferred from and after the published notice.

(5) Every applicant and his employees are subject to investigation by any city, county or state authority, including the beer board, and the applicant agrees to furnish information and records as these authorities may require. (1988 Code, § 2-211)

**8-211. Beer permit and license, taxes.** Upon favorable action by the beer board, a permit shall be issued to the applicant by the recorder bearing the name of the chairmen of the beer board and the date of issuance. This permit when countersigned, sealed and dated by the recorder becomes a valid license to store and sell beer as provided herein and shall remain in full force and effect until terminated or revoked as provided herein.

A one hundred dollar (\$100.00) per year privilege tax is due by the beer license holder to the municipality on January 1 of each year. Failure by the licensee to pay the privilege tax after receiving required notice of payment due date shall void the beer license.

The holder is required to return the beer license to the issuing municipality within fifteen (15) days of the termination of business, change in ownership, relocation, or change of business name.

The action of the beer board in granting or refusing a permit shall be final, except it shall be subject to review as provided by law. Permits can only be revoked by order of the city beer board as herein provided. (1988 Code, 2-211)

**8-212. Posting of permits.** The permit, when issued as required by this chapter, shall be posted in a conspicuous place on the premises of the holder. (1988 Code, § 2-212)

**8-213. Permits not transferrable.** Permits issued under this chapter are not transferable, either as to location or to successor or successors by purchase or otherwise of business for which the permit was issued, and in either case a new permit is required to be issued in the manner provided herein. Said permit is not transferrable by death succession. (1988 Code, § 2-213)

**8-214. Revocation or suspension of beer permits and civil penalty in lieu or revocation or suspension.**

(1) The beer board shall have the power to revoke or suspend 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 revoked or suspended until a public hearing is held by the board after reasonable notice to all the known parties in interest. Revocation or suspension proceedings may be initiated by the police chief or by any member of the beer board.

Complaints brought for the purpose of suspending or revoking beer permits and licenses shall be made in writing and filed with the chairmen of the beer board, who shall thereupon give or cause to be given written notice accompanied by a copy of such written complaint to the licensee concerned. Such notice shall command the licensee to appear at a time and place designated in said notice before the beer board to show cause why his permit and business should not be suspended or revoked, such notice to be served either by registered letter or by a city policeman at least ten (10) days prior to the date of the hearing on the complaint. Upon the hearing, the beer board shall publicly hear and determine the nature and merits of the complaint, and for this purpose the chairman is authorized to compel the attendance of witness by subpoena as well as records. When a permit is revoked, no permit shall be issued hereunder for the sale of beer to the permit holder or his principal until the expiration of five (5) years from the date such revocation becomes final. If revoked for misstatement in application, no permit will be issued until the expiration of ten (10) years from the date such revocation due to misstatement becomes final.

If a license is suspended, the permit holder, before recommencing business, will pay to the city recorder a fee of two hundred fifty dollars (\$250.00), the same to be used by the beer board to defray cost of investigation of complaint, process, court reporting, etc. This is in no way a fine but administrative cost. All actions of the beer board are final on suspensions or revocations, subject to review as provided by law

(2) Pursuant to Tennessee Code Annotated, § 57-5-608, the beer board shall not revoke or suspend the permit of a "responsible vendor" qualified under the requirements of Tennessee Code Annotated, § 57-5-606 for a clerk's illegal sale of beer to a minor if the clerk is properly certified and has attended annual meetings since the clerk's original certification, unless the vendor's status as a certified responsible vendor has been revoked by the alcoholic beverage commission. If the responsible vendor's certification has been revoked, the vendor shall be punished by the beer board as if the vendor were not certified as a responsible vendor. "Clerk" means any person working in a capacity to sell beer directly to consumers for off-premises consumption. Under Tennessee Code Annotated, § 57-5-608, the alcoholic beverage commission shall revoke a vendor's status as a responsible vendor upon notification by the beer board that the board has made a final determination that the vendor has sold beer to a minor for the second time in a consecutive twelve (12) month period. The revocation shall be for three (3) years.

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

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

of making or permitting to be made any sales to minors, or a civil penalty not to exceed one thousand dollars (\$1,000.00) for any other offense.

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

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

Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the city may impose.

**8-215. Miscellaneous offenses relating to beer.**

(1) Drinking beer or throwing containers on private property without permission. It shall be unlawful and it is declared herein a misdemeanor for any person to drink or consume or have an open can or bottle of beer on, or to throw a container therefore on the private property of any other person within the city without said property owner's express or implied permission. Any violation shall be subject to the jurisdiction of the city court of the City of Savannah.

(2) Sale to intoxicated persons, minors, or incapacitated people. It shall be unlawful and is hereby declared to be a misdemeanor for any person, firm, corporation, etc., engaged in the business regulated hereunder, to make or permit any sale or distribution of such beverages to persons intoxicated, minors under the age of twenty-one (21) years, persons who are feebleminded, insane, or otherwise mentally incapacitated. Likewise, if any person attempts to or does purchase alcoholic beverages regulated hereunder in behalf of the above people, he shall be guilty of a misdemeanor.

It is likewise declared a misdemeanor for a minor to attempt to purchase or to purchase any beverage regulated hereunder, and it shall likewise be a misdemeanor for said minor to present at the time of sale fraudulent or false evidence of his age for the purpose of purchasing or attempting to purchase beverages under this chapter.

(3) Throwing beer cans, etc., on streets etc. It shall be unlawful for any person to throw or deposit beer cans, bottles, or other containers in or upon the public streets, alleys, avenues, highways, sidewalks, public parks, public school grounds or other public places within the city except in authorized garbage cans or containers. (1988 Code, § 2-215)

**8-216. Annexation into corporate limits.** Upon a legal beer establishment being annexed into the city's boundaries, said permit holder will be allowed to continue for the unexpired term of his county license but no longer than

one (1) year, at which time he will reapply with the beer board as a new permit with said board. (1988 Code, § 2-216)

**8-217. Miscellaneous.** Where the word “he” is mentioned herein the same will apply to “she” or “it.” In no way does this chapter abridge the chapter or ordinance pertaining to sale of whiskey, etc. If any part of this chapter is declared void or unconstitutional by competent court that part of this chapter not declared void or unconstitutional will remain in full force and effect unless repealed by the city commission. (1988 Code, § 2-217)

**8-218. Hours of sale.** It shall hereafter be unlawful and it hereby declared to be a misdemeanor for any person, firm, corporation, or association to sell or distribute any of the beverages regulated hereunder within the corporate limits of the City of Savannah between the hours of 12:00 o'clock Midnight and 6:00 o'clock A.M. (Ord. #759-11-2010, January 2011)

**8-219. Drinking beer or like beverage in automobile a misdemeanor.** It is hereby declared unlawful and a misdemeanor for any person to drink or consume any beer or like beverage while riding in, driving or occupying any automobile or motor vehicle within the corporate limits of the City of Savannah. (1988 Code, § 2-219)

**8-220. Rules and regulations.** The beer board created by this chapter may, by resolution, adopt such rules and regulations not inconsistent with the terms of this chapter, or the state beer law, for the purpose of carrying out and enforcing the provisions of this chapter. A copy of the rules and regulations shall be on file and available for public examination in the city recorder's office. Failure or refusal to comply with any rules and regulations promulgated under this section shall be deemed a violation of this chapter. (1988 Code, § 2-220)

**8-221. Penalty for violation.** Any violation of this chapter shall be deemed a misdemeanor, punishable according to the general penalty provision of this code of ordinances. (1988 Code, § 2-221)

**8-222. Violation by employee.** Any employee of any permittee who violates the provisions of this chapter or any provisions of the state beer act while so employed by such permittee shall be punished according to the general penalty provision of this code of ordinances. (1988 Code, § 2-222)



## CHAPTER 3

### ON-PREMISES BEER SALES

#### SECTION

- 8-301. Beer defined.
- 8-302. Business for which on-premises beer consumption shall be a permitted use defined.
- 8-303. Enforcement by policemen.
- 8-304. Beer board action on beer permit.
- 8-305. Beer permit and license, taxes.
- 8-306. Posting of permits.
- 8-307. Permits not transferable.
- 8-308. Suspension or termination of permit-license; civil penalty in lieu of revocation or suspension.
- 8-309. Complaints.
- 8-310. Suspension of license; fee.
- 8-311. Civil penalty in lieu of suspension.
- 8-312. Miscellaneous offenses relating to beer.
- 8-313. Annexation into corporate limits.
- 8-314. Hours of sale.
- 8-315. Minors working in businesses with on-premise permit.
- 8-316. Rules and regulations.
- 8-317. Court rulings.
- 8-318. Penalty for violation.
- 8-319. Violations to be reported to the Tennessee ABC.

**8-301. Beer defined.** The term "beer" as used in this chapter shall mean and include all beers, ales and other malt liquors as defined by the State of Tennessee. (Ord. #805-2-2015, March 2015)

**8-302. Business for which on-premises beer consumption shall be a permitted use defined.** Only allowed in business establishments meeting the general requirements for, or holding a valid beverage permit by the State of Tennessee Alcoholic Beverage Commission. (Ord. #742-5-2009, July 2009)

**8-303. Enforcement by policemen.** City adopts § 8-208 herein, in to as a requirement for on-premises applicants to qualify. (Ord. #703-1-2007, March 2007)

**8-304. Beer board action on beer permit.** City adopts § 8-210 herein, in toto. (Ord. #703-1-2007, March 2007)

**8-305. Beer permit and license, taxes.** Upon a favorable action by the beer board, a permit shall be issued to the applicant by the recorder bearing the name of the chairman of the beer board and the date of issuance. This permit when countersigned, sealed and dated by the recorder becomes a valid license to store and

sell beer as provided herein and shall remain in full force and effect until terminated or revoked as provided herein. The holder is required to return the beer license to the issuing municipality within fifteen (15) days of the termination of business, change in ownership, relocation, or change of business name. The action of the beer board in granting or refusing a permit shall be final, except it shall be subject to review as provided by law. Permits can only be revoked by order of the city beer board as herein provided. (Ord. #703-1-2007, March 2007)

**8-306. Posting of permits.** The permit, when issued as required by this chapter, shall be posted in a conspicuous place on the premises of the holder. (Ord. #703-1-2007, March 2007)

**8-307. Permits not transferable.** Permits issued under this chapter are not transferable, either as to location or to successor or successors by purchase or otherwise of business for which the permit was issued, and in either case a new permit is required to be issued in the manner provided herein. Said permit is not transferable by death succession. (Ord. #703-1-2007, March 2007)

**8-308. Suspension or termination of permit-license; civil penalty in lieu of revocation or suspension.** The beer board is hereby vested with the power and authority to suspend or revoke any beer permit and license issued under the provisions of this chapter, and for this purpose is fully authorized and empowered to hear and determine complaints brought for that purpose. Any violation of this chapter shall constitute sufficient grounds for the suspension or revocation of a permit and license. (Ord. #703-1-2007, March 2007)

**8-309. Complaints.** Complaints brought for the purpose of suspending or revoking beer permits and licenses shall be made in writing and filed with the secretary of the beer board, who shall thereupon give or cause to be given written notice accompanied by a copy of such written to the license concerned, Such notice shall command the licenses to appear at a time and place designated in said notice before the beer board to show cause why his permit and business should not be suspended or revoked, such notice to be served either by certified mail or by a city policeman at least ten (10) days prior to the date of the hearing on the complaint. Upon the hearing the beer board shall publicly hear and determine the nature and merits of the complaint, and for this purpose the chairman is authorized to compel the attendance of witnesses by subpoena as well as records both for the city and the licensee. When a permit is revoked, no permit shall be issued hereunder for the sale of beer to the permit holder or his principal until the expiration of five (5) years from the date such revocation becomes final. If revoked for misstatement in application, no permit will be issued until the expiration of ten (10) years from the date such revocation due to misstatement becomes final. (Ord. #703-1-2007, March 2007)

**8-310. Suspension of license; fee.** If a license is suspended, the permit holder, before recommending business, will pay to the city recorder a fee of one

thousand dollars (\$1,000.00) the same to be used by the beer board to defray cost of investigation of complaint, process, court reporting, etc. This is in no way a fine but an administrative cost. All actions of the beer board are final on suspensions or revocations, subjects to review as provided by law. (Ord. #703-1-2007, March 2007)

**8-311. Civil penalty in lieu of suspension.** The beer board may, at the time it imposes a revocation or suspension, offer a license holder the alternative of paying a civil penalty not to exceed one thousand five hundred dollars (\$1,500.00), or more if enlarged by state law, for each offense of making or permitting to be made any sales to minors or, a civil penalty not to exceed one thousand dollars (\$1,000.00) for any other offense. If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) business 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. See Tennessee Code Annotated, § 57-5-108(2) (A). (Ord. #703-1-2007, March 2007)

**8-312. Miscellaneous offenses relating to beer.**

(1) Sale to intoxicated persons, minors, or incapacitated people. It shall be unlawful and is hereby declared to be a misdemeanor for any person, firm, corporation, etc., engaged in the business regulated hereunder, to make or permit any sale or distribution of such beverages to persons intoxicated, minors under the age of twenty-one (21) years, persons who are feeble-minded, insane, or otherwise mentally incapacitated. Likewise, if any person attempts to or does purchase alcoholic beverages regulated hereunder in behalf of the above people, he shall be guilty of a misdemeanor.

(2) It shall be unlawful for a holder of an on-premises permit to allow intoxicated persons to loiter on or about the beer premises, term loiter means to be dilatory, to be slow in movement, to stand around, to spend time idly, to saunter, to delay, to idle, to linger, to lag behind. Metro Nashville vs. Martin, 584 S.W.2d 643.

(3) There shall be no direct or indirect advertising of the product of beer or sale on the exterior or about the outside premises of a building which holds a permit for on-premises beer sales. Advertisements may be used in the interior of the premises, provided they cannot be seen from the outside.

(4) It shall be unlawful for a holder of an on-premises permit to engage in the offering of "happy hours," "free beer," "two for one specials," "daily special," "on the house," or any other marketing effort that could remotely be construed to encourage increased consumption of beer.

(5) Permit holders shall not discount beer prices in an effort to comply with food sales requirement.

(6) On premise beer permit holders shall not sell beer "to go" under any circumstances.

(7) Where the word "he" is mentioned herein the same will apply to "she" or "it." (Ord. #703-1-2007, March 2007, and amended by Ord. #742-5-2009, July 2009 and amended by Ord. #805-2-2015, March 2015)

**8-313. Annexation into corporate limits.** Upon a legal beer establishment being annexed into the city's boundaries, said permit holder will be allowed to continue for the unexpired term of his county license but no longer than one (1) year, at which time he will reapply with the beer board as new permit with said board. (Ord. #703-1-2007, March 2007)

**8-314. Hours of sale.** It shall hereafter be unlawful and it is hereby declared to be a misdemeanor for any person, firm, corporation or association to sell or distribute any of the beverages regulated hereunder within the corporate limits of the City of Savannah outside of the hours allowed by the Tennessee River Resort Act. (Ord. #805-2-2015, March 2015)

**8-315. Minors working in business with on-premise beer permit.**

(1) No employee under eighteen (18) years of age shall be permitted to pour, transfer, serve or sell on premises beer at a business with a permit for such use.

(2) Persons under the age of eighteen (18) years of age shall be permitted to bus tables in a business with an on premises beer permit. (Ord. #703-1-2007, March 2007)

**8-316. Rules and regulations.** The beer board created by this chapter may, by resolution, adopt such rules and regulations not inconsistent with the terms of this chapter, or the state beer law, for the purpose of carrying out the enforcing the provisions of this chapter. A copy of the rules and regulations shall be on file and available for public examination in the city recorder's office. Failure or refusal to comply with any rules and regulations promulgated under this section shall be deemed a violation of this chapter. (Ord. #703-1-2007, March 2007)

**8-317. Court rulings.** It is presumed and cannot be contested when either the holder of the permit or one of his employees violated this chapter or they plead guilty in a court of law to sale to minors, that such pleading shall stand as acknowledgement of an ordinance violation. (Ord. #703-1-2007, March 2007)

**8-318. Penalty for violation.** Any violation of this chapter shall be deemed a Class A misdemeanor, which is punishable accordingly. (Ord. #703-1-2007, March 2007)

**8-319. Violations to be reported to the Tennessee ABC.** Any beer sale violations herein as determined by the beer board shall be reported to the State of Tennessee Alcoholic Beverage Commission Board for their determination on the status of any alcoholic beverage permit issued by the State of Tennessee, if said violator has a permit issued by State of Tennessee. (Ord. #703-1-2007, March 2007)

**CHAPTER 4**  
**TEMPROARY**  
**PERMITTED EVENT**  
**SALES**

**SECTION**

- 8-401. Beer defined.
- 8-402. Special Events Permits.
- 8-403. Enforcement by policemen.
- 8-404. Beer Board Action on Beer Permit.
- 8-405. Beer permit and license, taxes.
- 8-406. Posting of permits.
- 8-407. Permits not transferrable.
- 8-408. Miscellaneous offenses relating to beer.
- 8-409. Hours of sale.
- 8-410. Minors working in businesses with a special events beer permit.
- 8-411. Rules and regulations.
- 8-412. Court rulings.
- 8-413. Penalty for violation.
- 8-414. Legality of Ordinance.

**8-401. Beer defined.** The term "beer" as used in this chapter shall mean and include all beers, ales and other malt liquors as defined by the statutory laws of the State of Tennessee. (Ord. #759-11-2010, January 2011)

**8-402. Special Events Permits.** Special Events Permits shall be valid for the actual number of days to be determined from the beer board based upon the information provided by the applicant. If the event covered by the permit is held on land not owned by the applicant, a written statement of approval from the land owner must accompany the special event permit application. Such special events permit shall not allow the sale, storage, or manufacture of beer on publicly owned property unless said event is to benefit a bona fide charitable or nonprofit organization and can show that the owner of the publicly owned land approves of the permit application. The beer board is authorized to place any and all restrictions it deems necessary on special events permits, including but not limited to restricted hours of sale and limitations on the number of sale locations/stations. The applicant shall provide the beer board with a map from the event organizers which defines the boundaries of the event to establish any exemptions permitted in Title 11, Chapter 1, Section 11-102 of the Savannah Municipal Code. (Ord. #759-11-2010, January 2011 and amended by Ord. #805-2-2015, March 2015)

**8-403. Enforcement by policemen.** City adopts Title 8, Chapter 2, Section 8-208 herein, in to as a requirement for on-premises applicants to qualify. (Ord. #759-11-2010, January 2011 and amended by Ord. #805-2-2015, March 2015)

**8-404. Beer Board action on Beer Permit.** City adopts Title 8, Chapter 2, Section 8-210 herein, in too. (Ord. #759-11-2010, January 2011 and amended by Ord. #805-2-2015, March 2015)

**8-405. Beer permit and license, taxes.** Upon favorable action by the Beer Board, a permit shall be issued to the applicant by the Recorder bearing the name of the Chairman of the Beer Board and the date of issuance. This permit when countersigned, sealed and dated by the recorder becomes a valid license to store and sell beer as provided herein and shall remain in full force and effect until terminated or revoked as provided herein. The holder is required to return the beer license to the issuing municipality the first full day of business after the completion of the event for which the permit was issued. The action of the beer board in granting or refusing a permit shall be final, except it shall be subject to review as provided by law. (Ord. #759-11-2010, January 2011)

**8-406. Posting of permits.** The permit, when issued as required by this chapter, shall be posted in a conspicuous place by the holder of said permit. (Ord. #759-11-2010, January 2011)

**8-407. Permits not transferable.** Permits issued under this chapter are not transferable, either as to location or to successor or successors by purchase or otherwise of business for which the permit was issued, and in either case a new permit is required to be issued in the manner provided herein. (Ord. #759-11-2010, January 2011)

**8-408. Miscellaneous offenses relating to beer.**

(1) Permit holders may display a trademark banner of a bona fide event sponsor brand name as long as banners do not disrupt public ways or present a safety hazard by being inadequately tethered or mounted.

(2) It shall be unlawful and is hereby declared to be a misdemeanor for any person, firm, corporation, etc., engaged in the business regulated hereunder, to make or permit any sale or distribution of such beverages to persons intoxicated, minors under the age of twenty-one (21) years, persons who are feebleminded, insane, or otherwise mentally incapacitated. Likewise, if any person attempts to or does purchase alcoholic beverages regulated hereunder in behalf of the above people, he shall be guilty of a misdemeanor.

(3) No brown bagging by means of sales or consumption shall be permitted at an event where there is a holder of a special events beer permit.

(4) It shall be unlawful for a holder of a special events permit to allow intoxicated persons to loiter on or about the beer sales area, term loiter means to be dilatory, to be slow in movement, to stand around, to spend time idly, to saunter, to delay, to idle, to linger, to lag behind. Metro Nashville vs. Martin (584 S.W.2d 643)

(5) It shall be unlawful for a holder of a special events beer permit to engage in the offering of “happy hours,” “free beer”, “two for one specials”, “daily special”, “on the house”, or any other marketing effort that could remotely be construed to encourage increased consumption of beer. (Ord. #759-11-2010, January 2011)

**8-409. Hours of sale.** Hours of sale shall be stipulated and approved by the Beer Board, but shall not be allowed during hours inconsistent with the laws of the State of Tennessee. (Ord. #759-11-2010, January 2011)

**8-410. Minors working in business with a special events beer permit.** No employee under (18) eighteen years of age shall be permitted to pour, transport, serve or sell on premises beer at a business with a permit for such use. (Ord. #759-11-2010, January 2011)

**8-411. Rules and regulations.** Failure or refusal to comply with any rules and regulations promulgated under this section shall be deemed a violation of this chapter.

**8-412. Court rulings.** It is presumed and cannot be contested when either the holder of the permit or one of his employees violates this ordinance or they plead guilty in a court of law to sale to minors, that such pleading shall stand as acknowledgment of an ordinance violation. (Ord. #759-11-2010, January 2011)

**8-413. Penalty for violation.** Any violation of this chapter shall be deemed a Class A misdemeanor, which is punishable accordingly. (Ord. #759-11-2010, January 2011)

**8-414. Legality of Ordinance.** If any part of this ordinance is ruled illegal or unconstitutional, those parts remaining shall be in force and in effect. (Ord. #759-11-2010, January 2011)

## TITLE 9

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

#### CHAPTER

1. MISCELLANEOUS.
2. PEDDLERS, SOLICITORS, ETC.
3. ABLE TELEVISION.

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

- 9-101. “Going out of business” sales.  
 9-102. Carnivals, street shows, etc.

**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 purpose 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. (1988 Code, § 5-101)

**9-102. Carnivals, street shows, etc.** It shall be unlawful for any person, firm or corporation to conduct or operate any carnival, street show amusement at any corporation to conduct or operate any carnival, street show or other amusement at any place within the City of Savannah, with the following exceptions:

- (1) The Hardin County Fair operated by the Fair Association of Hardin County;
- (2) Any non-profit organization after having received written approval, thirty (30) days prior to the event, from the chief of police, city manager, mayor or vice mayor in the event of the mayor’s absence. (1988 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, SOLICITORS, 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.
- 9-214. Peddling and soliciting through private residences.
- 9-215. Violations.

**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. (1988 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. (1988 Code, § 5-202)

**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 case of transient merchants, the local address from which proposed sales will be made.
- (3) A brief description of the nature of the business and the goods to be sold.

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

(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 cities.

(10) At the time of filing the application, a fee of five dollars (\$5.00) shall be paid to the city to cover the cost of investigating the facts stated therein. (1988 Code, § 5-203)

#### **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. The city recorder shall keep a permanent record of all permits issued. (1988 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 board of commissioners. Such appeal shall be taken by filing with the mayor 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 for set 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. (1988 Code, § 5-205)

**9-206. Bond.** Every permittee shall file with the city recorder a surety bond running to the city in the amount of one thousand dollars (\$1,000.00). The bond must be secured by a commercial bonding company or by at least two (2) good and solvent personal sureties resident in the county. The bond shall be conditioned that the permittee shall comply fully with all the provisions of the ordinances of this city and the statutes of the state regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants, or itinerant vendors, as the case may be, and shall guarantee to any citizen of the city that all money paid as a down payment will be accounted for and applied according to the representations of the permittee, and further guaranteeing to any citizen to the representations of the permittee, and further guaranteeing to any citizen of the city doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given, but the surety may, by paying, pursuant to order of the court, the face amount of the bond to the clerk of the court in which the suit is commenced, be relieved without costs all further liability. (1988 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 city or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such permittee proposes to sell. (1988 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 the street. 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. (1988 Code, § 5-208)

**9-209. Exhibition of permit.** Permittees are required to exhibit their permits at the request of any policeman or citizen.

**9-210. Policemen to enforce.** It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (1988 Code, § 5-210)

**9-211. Revocation or suspension of permit.**

(1) Permits issued under the provisions of this chapter may be revoked by the board of commissioners 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 mayor may suspend a permit pending the revocation hearing. (1988 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. (1988 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. (1988 Code, § 5-213)

**9-214. Peddling and soliciting through private residences.** The practice of going in and upon private residences in the City of Savannah by solicitors, peddlers, hawkers, itinerate merchants or transit vendors of merchandise, not having been requested or invited to do so by the private owner or private occupant of said residence, for the purpose of soliciting orders for the sale of goods, wares and merchandise and/or disposing of, peddling, or hawking the same, is declared to be against the laws of the City of Savannah and is hereby declared to be a nuisance and punishable as a misdemeanor. However, this paragraph shall not apply to the unsolicited sale or soliciting or orders by the producers of the following products: milk, dairy products, vegetables, poultry, eggs, and other farm or garden products. (1988 Code, § 5-214)

**9-215. Violations.** Any violation of the above chapter shall constitute a nuisance and is hereby declared punishable as a misdemeanor under the general penalty provisions of the code of ordinances. (1988 Code, § 5-215)

## CHAPTER 3

### CABLE TELEVISION

#### SECTION

9-301. To be furnished under franchise.

**9-301. To be furnished under franchise.** Cable television service shall be furnished to the City of Savannah and its inhabitants under franchise as the board of commissioners shall grant. The rights, powers, duties, and obligations of the City of Savannah 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>Complete details relating to cable television franchise agreements are of record in the office of the city recorder.

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

1. IN GENERAL
2. HOGS.
3. DOGS.
4. EXOTIC ANIMALS.

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

- 10-101. Running at large prohibited.
- 10-102. Pen or enclosure to be kept clean.
- 10-103. Storage of food.
- 10-104. Keeping in such manner as to become a nuisance prohibited.
- 10-105. Seizure and disposition of animals.
- 10-106. Inspections of premises.
- 10-107. Records.

**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, goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, knowingly or negligently to permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. (1988 Code, § 3-101)

**10-102. 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. (1988 Code, § 3-102)

**10-103. Storage of food.** All feed shall be stored and kept in a rat-proof and fly-tight building box, or receptacle.

**10-104. 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 noise, odor, contagious disease, or other reason. (1988 Code, § 3-104)

**10-105. Seizure and disposition of animals.** Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by the health officer or by any police officer and confined in a pound provided or designated by the Board of Commissioners. 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 Board of Commissioners.

The pound keeper shall be entitled to collect from each person claiming and impounded animal or fowl such fee as shall be provided by the Board of Commissioners to cover the costs of impoundment and maintenance.

It shall be unlawful for any person to take from said pound any animal and/or fowl without being authorized to do so by the city manager. (1988 Code, § 3-106)

**10-106. 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. (1988 Code, § 3-107)

**10-107. Records.** The health officer or his representative shall keep adequate records of the seizure, impoundment, and disposition of all animals and/or fowls. (1988 Code, § 3-108)



## CHAPTER 2

### HOGS

#### SECTION

10-201. Prohibition of hogs or swine.

10-202. Exceptions.

10-203. Violations.

**10-201. Prohibition of hogs or swine.** It is unlawful for any citizen, entity, or corporation, whether a resident of the City of Savannah or not, to keep or allow to be kept, in any way or manner, any hogs or swine, located within any zoning districts of the City of Savannah, unless an exemption is prescribed by a licensed medical professional for therapeutic purposes and such exempted animal(s) shall be housed inside the legal and primary residence of the patient. (Ord. #712-9-2007, Nov. 2007)

**10-202. Exceptions.** This chapter shall not apply to any hog sale barn where hogs are maintained or sold for only a short period of time. (1988 code, § 3-202)

**10-203. Violations.** It shall be unlawful for any person, firm, corporation, or association to establish or maintain any hog pens, hog parlors, hog lots, or place for the raising, breeding, sale, maintenance, or feeding of hogs. Any violation of this chapter shall be deemed a misdemeanor and subject to a fine of two dollars (\$2.00) up to fifty dollars (\$50.00) plus court cost, and that each day of violation shall constitute a separate offense. (Ord. #712-9-2007, Nov. 2007)

## CHAPTER 3

### DOGS

#### SECTION

- 10-301. Definitions.
- 10-302. Vaccinations of animals.
- 10-303. Impounding of animals—redemption by owner.
- 10-304. Quarantine of animal inflicting a bite, suspected of biting, or suspected of being rabid.
- 10-305. Apprehension and disposition of rabid animals.
- 10-306. Quarantine of contacts to rabid animal.
- 10-307. Reporting bites.
- 10-308. Examination of biting animal.
- 10-309. Fees.
- 10-310. Animal shelter.
- 10-311. Proud dogs.
- 10-312. Vicious dogs.
- 10-313. Abandoned dogs.
- 10-314. Noise prohibited.
- 10-315. Cruelty to animals.
- 10-316. Kennel operations within corporate limits.
- 10-317. Penalty.
- 10-318. Provisions.
- 10-319. Dogs running at large.
- 10-320. Running at large prohibited.

**10-301. Definitions.** The following definitions shall apply in the interpretation and enforcement of this ordinance.

(1) “Abandoned dog or cat.” Any dog or cat found running at large without a collar bearing a vaccination tag shall be considered and deemed to be an abandoned dog or cat, and any dog or cat habitually found in and around any school house or playground without the name of the owner on the collar of said dog or cat shall be considered and deemed to be an abandoned dog or cat.

(2) “Animal.” The term “animal” shall mean and include all animals customarily vaccinated against the disease of rabies. This shall include but not be limited to dogs and cats.

(3) “Animal shelter.” Any place provided or maintained by the City of Savannah for the keeping of animals pending their redemption or extermination.

(4) “Owner.” The term “owner” shall mean any person having a right of property in an animal, or who keeps or harbors an animal or who has it in his care, or acts as its custodian, or who permits an animal to remain on or about his premises.

(5) “Potentially dangerous dog.”

- (a) Any dog which, when unprovoked, chases or approaches a person upon the streets, sidewalks or any public or private property in a menacing fashion or apparent attitude of attack or
  - (b) Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of human beings or domestic animals.
- (6) "Vaccination." The injection of a vaccine for dogs which meets the standards prescribed by the United States Department of Agriculture for interstate sale.
- (7) "Vicious dog."
- (a) Any dog which, according to the records of the city animal control, has inflicted severe injury on a human being without provocation on public or private property or any dog which, according to the records of the city animal control, has killed a domestic animal without provocation while off the owner's property or
  - (b) Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting. (1988 Code, § 3-301)

**10-302. Vaccination of animals.**

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

(2) Dogs to wear tags. It shall be unlawful for any person to own, keep, or harbor any dog which does not wear a tag evidencing the vaccination and registration required by the preceding section. (Ord. #734-11-2008, Jan. 2009)

**10-303. Impounding of animals-redemption by owner.** It shall be the duty of the animal control officer to apprehend any animal found running at large contrary to the provisions of this chapter, to impound such animal in the city animal shelter, such animal sheltered more than ten (10) days will be destroyed. An animal control officer or policemen of the city whether the premises be public or private to investigate any violations of this chapter, the public health, safety, and welfare requiring it. (1988 Code, § 3-303)

**10-304. Quarantine of animal inflicting a bite, suspected of biting, or suspected of being rabid.** When any dog or other animal capable of being infected with rabies has bitten any person, is suspected of having bitten any person, or is suspected of being infected with rabies, the city manager, police chief or animal control officer shall cause such animal to be quarantined. No such animal shall be killed or destroyed or removed from the city, except upon authorization of the city manager or his duly appointed representative. Only dogs and other animals which appear well shall be released from quarantine or impoundment. Any person who shall hide, kill, conceal or aid or assist in hiding, killing, or concealing any such animal defined in this section or who shall conceal or permit the same to be

removed from the city for the purpose of preventing its quarantine, as provided herein, shall be guilty of a misdemeanor and upon conviction shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00). (1988 Code, § 3-304)

**10-305. Apprehension and disposition of rabid animals.** All dogs and other animals capable of being infected with rabies, which are rabid or believed to be rabid shall be immediately reported to the police department. Said dogs or other animals shall be taken up and impounded if this can be accomplished with safety. If it is necessary to destroy the dog or other animal to prevent further biting or for the safety of the community, every effort shall be made to avoid damage to the brain. (1988 Code, § 3-305)

**10-306. Quarantine of contacts to rabid animal.** All dogs and other animals capable of being infected with rabies that have come in contact with a rabid dog or other animal shall be destroyed by a humane method or shall be quarantined and/or vaccinated as follows:

(1) If no vaccination has been given within the period of twelve (12) months, the dog or other animal may be vaccinated and then quarantined for ninety (90) days.

(2) If vaccinated within the previous twelve (12) months, the dog or other animal shall be revaccinated and then quarantined for thirty (30) days. (1988 Code, § 3-306)

**10-307. Reporting bites.** Whenever a person is bitten by a dog or other animal capable of being infected with rabies, prompt report of such bite shall be made to the police department. Such report shall be made by any physician attending the person bitten, or if such person is received at a hospital or dispensary. The report shall contain information required by the city manager. When a physician was not consulted or the person not taken to a hospital or dispensary, the report shall be made by the person bitten or any person who has knowledge of the facts. (1988 Code, § 3-307)

**10-308. Examination of biting animal.** Whenever a veterinarian is called upon to examine a dog or other animal capable of transmitting rabies, that has bitten a person, he shall promptly report the results of his examination to the city manager or his duly appointed representative.

When an animal under quarantine has been diagnosed as being rabid or suspected by a licensed veterinarian as being rabid and dies while under quarantine, the appropriate department for examination shall be contacted if in the opinion of the city manager, or his duly appointed representative, such examination is necessary or advisable. (1988 Code, § 3-308)

**10-309. Fees.** Fees shall be established for the impoundment of animals at the city animal shelter and for the redemption of animals impounded under the provisions of this chapter, for the disposal of animals which may become the

property of the city, and may provide for the sale of animals which are to be adopted by new owners. Fees shall be ten (\$10.00) for each day an animal is impounded.

All fees required by this chapter shall be collected as required and shall be deposited in the general fund as provided by law. (1988 Code, § 3-309, as amended by Ord. #674-8-2004, Oct. 2004)

**10-310. Animal shelter.** The city animal shelter shall be under the supervision of the city manager and the animal control officer. (1988 Code, § 3-310)

**10-311. Proud dogs.** The owner of a proud dog is required to confine her for twenty-four (24) days during the time she is proud. Confinement shall be defined as any means in which said proud dog is isolated from any male dog. Any person violating the provision of this section of this chapter shall be guilty of a misdemeanor; and in addition, the chief of police or any policemen, or Animal Control Officer of the City of Savannah, or any public health officer or officer or official of the Hardin County Health Department or the Tennessee Department of Public Health shall be authorized to destroy any proud dog found at large in violation of this chapter. (1988 Code, § 3-311)

**10-312. Vicious dogs.** It is hereby declared to be a misdemeanor for the owner of any dog of vicious propensities to permit said dog to run at large within the corporate limits. In addition, the chief of police, any member of the police department, or any animal control officer of the City of Savannah, County of Hard, or State of Tennessee, shall be authorized to determine that said dog is vicious or potentially dangerous as defined within this ordinance. The officer shall serve upon the owner of said dog a notice indicating the dog has been determined to be vicious or potentially dangerous and specifying actions required of the owner to prohibit the dog from running at large. The officer may make such determinations by observation of said dog or upon an affidavit of complaint signed by one resident or more under oath. Such affidavit should set forth the nature and date of the offending act and when known the name and address of the owner. Upon receipt of such notice, the owner of the dog shall have the right to appeal the determination of the officer within fifteen (15) days to the city judge by filing with the city court clerk a request for an appeal. The city judge upon hearing evidence presented by the owner and the officer making the determination shall issue a finding either setting aside the determination of the officer or upholding the determination of the officer. (1988 Code, § 3-312)

**10-313. Abandoned dogs.** It shall be unlawful for any person to abandon any dog within the corporate limits or to turn any dog out of any automobile or other vehicle.

Any abandoned dog found within the corporate limits may be destroyed by the chief of police or any police officer or Animal Control Officer of the City of Savannah or may be retained in any other manner provided for in this ordinance. (1988 Code, § 3-313)

**10-314. Noise prohibited.** No person shall willfully or knowingly keep or harbor on his premises any dog or other animal that make or creates loud and obnoxious noises by whatever method created, thereby distributing the peace of the neighborhood or disturbing the occupant of adjacent premises or people living in the vicinity of such loud and obnoxious noise.

A person shall be deemed to have willfully and knowingly violated the terms of this section if such person shall have been notified by any police officer of such disturbance and shall have refused for a period of twenty-four (24) hours to correct such disturbance and prevent its recurrence. (1988 Code, § 3-314)

**10-315. Cruelty to animals.** It shall be unlawful for any person to cruelly mistreat any dumb animal in the city; or to willfully and wantonly kill. Maim, wound poison or disfigure any horse, ass, mule, cattle, sheep, goat, swine, dog or other domesticated animal, bird or beast of any kind or to mutilate, cruelly kill, over-drive, over-ride, or over-load, or unnecessarily confine, or in any manner oppress the same; or to unnecessarily fail to provide the same when such animal is maimed, wounded, sick, lame or otherwise unfit for labor; or to willfully abandon the same to die; or to carry or to cause the same to be carried, hauled or forced along in a cruel or inhumane manner; or to leave any animal tied up or confined anywhere, day or night, for more than twelve (12) hours at a time without properly feeding, watering and caring for the same. This section shall not be construed to prevent policemen or other persons from destroying dogs or animals when lawfully entitled to do so. (1988 Code, § 3-315)

**10-316. Kennel operations within corporate limits.** Dog sales shall only be allowed in legally operated kennels. Persons operating a kennel where dogs are bred, harbored, maintained, or kept for sale shall be required to pay the city business license fee. All kennels shall also be within the proper city zoning district, as specified by the City of Savannah Zoning Ordinance. (Ord. #734-11-2008, Jan. 2009)

**10-317. Penalty.** Any person violating any of the provisions of the ordinance comprising this chapter, where a different penalty is not provided, shall be guilty of a misdemeanor and upon conviction shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00). Each day of continued violation shall be considered a separate offense and constitute a separate fine. (Ord. #734-11-2008, Jan. 2009)

**10-318. Provisions.** The provisions are hereby declared to be severable. If any of its sections, provisions, exceptions, sentences, clauses, or phrases, or parts be held unconstitutional or void, the remainder of the ordinance comprising this chapter shall continue in force or effect, it being the intent now declared that this chapter would have been adopted even if such unconstitutional or void matter had not been included therein. (1988 Code, § 3-318)

**10-319. Running at large prohibited.** It shall be unlawful for any person knowingly to permit any dog owned by him or under his control to run at large within the corporate limits. Any person knowingly permitting a dog to run at large, including the owner of the dog, may be prosecuted under this section even if the dog is picked up and disposed of under the provisions of this chapter. (Ord. #734-11-2008, Jan. 2009)

## CHAPTER 4

### EXOTIC ANIMALS

#### SECTION

- 10-401. Prohibition of exotic animals.
- 10-402. Exemptions
- 10-403. Penalty
- 10-404. Additional enforcement provisions

**10-401. Prohibition of exotic animals.** It is unlawful for any citizen, entity, or corporation, whether a resident of the City of Savannah or not, to keep or allow to be kept, in any way or manner, wild animals as herein named, in the City of Savannah in residential areas zoned presently in the City of Savannah as Residential Zones 1, 2, 3, and 4, and any other comparable residential zones that may be created in the future by the said city. The following are deemed to be wild animals and are prohibited in said residential zones in said city: drills and mandrills, baboons, leopards, cougars, jaguars, tigers, lions, bears, reptiles of any kind, elephants, rhinos, hyenas, water buffaloes, gorillas, alligators, crocodiles, wolves, camels, wild hogs, deer, bobcats, wildcats, coyotes, skunks, ferrets, porcupines, hippopotamuses, seals, walruses, spiders, and any other wildlife deemed and determined to be dangerous by the State of Tennessee, by and through its Tennessee Wildlife Resource Agency after the city petitions said agency for advice as to whether or not said live wildlife is in fact dangerous to the citizens of the City of Savannah. (1988 Code, § 3-401)

**10-402. Exemptions.** This chapter shall not apply to professional licensed wildlife animal trainers and exhibitors such as circuses, etc., provided that such excepted persons are qualified and have the necessary licenses for such exhibitions of wild animals. (1988 Code, § 3-402)

**10-403. Penalty.** Any violation of this chapter shall be deemed a misdemeanor and subject to a fine of two dollars (\$2.00) up to fifty dollars (\$50.00) plus court cost, and that each day of violation shall constitute a separate offense. In addition to the fine provided herein, if the city should determine that the keeping of such wild animals could cause irreparable harm or danger as a result of violation of this chapter, then the City of Savannah shall also have the right to file any type of civil suit to obtain a restraining order and/or injunction against any person violating this chapter, and if the city is successful in the prosecution of such civil litigation, it will be entitled to attorney's fees up to one thousand five hundred dollars (\$1,500.00) and all court cost. (1988 Code, § 3-403)

**10-404. Additional enforcement provisions.** If any of the above wild animals, whether the same be retained illegally or legally, are allowed to run loose, whether upon the owners property, public property, or property of others, and there appears at any time to the officials of the City of Savannah, to be a danger to life



and property of others, due to the running at large of such wild animals, it is hereby deemed that the City of Savannah has the right and power to eradicate such wild animals by any method, and on the spot, such eradication to be deemed necessary for the public safety of the citizens of the City of Savannah and their property. (1988 Code, § 3-404)

## TITLE 11

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

#### CHAPTER

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

#### CHAPTER 1

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

#### SECTION

- 11-101. Public intoxication.
- 11-102. Drinking alcoholic beverages in public.
- 11-103. Minors in beer places.
- 11-104. Minors working in liquors, beer or retail stores.
- 11-105. Transportation of alcoholic beverages, wine or beer.

**11-101. Public intoxications.** A person commits the offense of public intoxication who appears in a public place under the influence of a controlled substance or any other intoxicating substance to the degree that:

- (1) The offender may be endangered;
- (2) There is endangerment to other persons or property; or
- (3) The offender unreasonably annoys people in the vicinity.

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<sup>1</sup>Municipal code references

Animal control: title 10.  
 Housing and utility codes: 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

**11-102. Drinking alcoholic beverages in public.** It shall be unlawful for any person to drink or consume, or have an open glass container or bottle of intoxicating liquor, wine or bottle of beer in or any public street, alley, avenue, highway, sidewalk, public park, public school ground, government buildings or other structures. This section shall not be interpreted to apply to beverages legally purchased within the boundary of a special event and boundary approved by the Savannah City Commission. (1988 Code, § 10-229, as amended by Ord. #666-7-2004, Sept. 2004, and Ord. #724-6-2008, Aug. 2008)

**11-103. Minors in beer places.** No person under the age of eighteen (18) shall loiter in or around, work in, or otherwise frequent any place where beer is sold at retail for consumption on the premises. (1988 Code, § 10-203)

**11-104. Minors working in liquor, beer or retail stores.** No manufacture, wholesaler, or retailer, or any employee thereof, engaged in the physical manufacturing, storage, handling, sale or distribution of alcoholic beverages, wine, or beer shall be a person under eighteen (18) years of age, and it is unlawful for any wholesaler or retailer to employ anyone under eighteen (18) years of age for the physical storage, sale, handling or distribution of alcoholic beverages, wine or beer, or permit any such person under such age on its place of business to engage in the manufacturing, storage, sale, handling or distribution of alcoholic beverages, wine or beer.

Persons under the age of eighteen (18) years shall be allowed to handle beer purchased at a retail store by placing the same in a sack or container and carrying such item to the customer's vehicle.

**11-105. Transportation of alcoholic beverages, wine or beer.** It shall be unlawful to transport liquor, wine or beer except in an opaque sack, container, wrapping or case, but shall be unlawful to consume the same while transporting. (Ord. #666-7-2004, Sept. 2004)

## CHAPTER 2

### GAMBLING, FORTUNE TELLING, ETC.

#### SECTION

11-201. Gambling.

11-202. Promotion of gambling.

11-203. Fortune telling, etc.

**11-201. Gambling.** It shall be unlawful for any person to play at any game of hazard or chance for money or other valuable thing or to make or accept any bet or wager for money or other valuable thing. (1988 Code, § 10-301)

**11-202. Promotion of gambling.** It shall be unlawful of any person to encourage, promote, aid, or assist the playing at any game, or the making of any bet or wager, for money or other valuable thing, or to possess, keep, or exhibit for the purpose of gambling, any gaming table, device, ticket, or any other gambling paraphernalia. (1988 Code, § 10-302)

**11-203. Fortune telling, etc.** It shall be unlawful for any person to hold himself forth to the public as a fortune teller, clairvoyant, hypnotist, spiritualist, palmist, phrenologist, or other mystic endowed with supernatural powers. (1988 Code, § 10-303)

**CHAPTER 3****AGAINST THE PERSON****SECTION**

11-301. Coercing people not to work.

**11-301. 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. (1988 Code, § 10-302)

## CHAPTER 4

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, profane, indecent, offensive, or boisterous conduct or by conduct or language calculated to provoke violence or a violation of the law and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (1988 Code, § 10-501)

**11-402. Anti-noise regulations.** Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited.

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

(a) Blowing horns. The sounding of any horn or signal device on any automobile, motorcycle, bus, truck, or vehicle while not in motion except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

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

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

(d) Pets. The keeping of any animal, bird, or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity.

(e) Use of vehicle. The use of any automobile, motorcycle, truck, or vehicle so out of repair, so loaded, or in such manner as to cause loud and unnecessary grating, grinding, rattling, or other noise.

(f) Blowing whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city authorities.

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

(h) Building operations. The erection (including excavation), demolition, alteration, or repair of any building in any residential area or section or the construction or repair of streets and highways in any residential area or section, other than between the hours of 7:00 A.M. and 6:00 P.M. on week days, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector granted for a period while the emergency continues not to exceed thirty (30) days. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways between the hours of 6:00 P.M. and 7:00 A.M., and if he shall further determine that loss or inconvenience would result to any party in interest through delay, he may grant permission for such work to be done between the hours of 6:00 P.M. and 7:00 A.M. upon application being made at the time the permit for the work is awarded or during the process of the work.

(i) Noises near schools, hospitals, churches, etc. The creation of any excessive noise on any street adjacent to any hospital or adjacent to any school, institution of learning, church, or court while the same is in session.

(j) Loading and unloading operations. The creation of any loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates, and other containers.

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

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

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

- (a) City vehicles. Any vehicle of the city while engaged upon necessary public business.
- (b) Repair curb designating such space unless the vehicle is too large to be parked within a single designated space. (1988 Code, § 10-502)



## CHAPTER 5

### INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

#### SECTION

11-501. Impersonating a government officer or employee.

11-502. False emergency alarms.

11-503. Resisting or interfering with an officer or city employee.

**11-501. Impersonating a government officer or employee.** No person other than an official police officer of the city shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the city. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1988 Code, § 10-603)

**11-502. False emergency alarms.** It shall be unlawful for any person intentionally to make, turn in, or give false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1988 Code, § 10-604)

**11-503. Resisting or interfering with an officer or city employee.** 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 city while such officer or employee is performing or attempting to perform his municipal duties

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

11-601. Air rifles, etc.

**11-601. Air rifles, etc.** It shall be unlawful for any person in the city to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1988 Code, § 10-702)

**CHAPTER 7****TRESPASSING AND INTERFERENCE WITH TRAFFIC****SECTION**

11-701. Trespassing.

11-702. Interference with traffic.

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

It shall be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to leave promptly the private premises of any person who requests or directs him to leave. (1988 Code, § 10-801)

**11-702. 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 manner as to prevent, obstruct, or interfere unreasonably with the free passage of pedestrian or vehicular traffic thereon. (1988 Code, § 10-803)

## CHAPTER 8

### MISCELLANEOUS

#### SECTION

- 11-801. Caves, wells, cisterns, etc.
- 11-802. Unauthorized posting of notices, etc.
- 11-803. Throwing trash, etc.
- 11-804. Trespass by motor vehicle.
- 11-805. Shoplifting first offense.
- 11-806. Failure to appear.
- 11-807. Curfew and violations.

**11-801. 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. (1988 Code, § 10-902)

**11-802. Unauthorized posting of notices, etc.** No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless authorized to do so. (1988 Code, § 10-1001)

**11-803. Throwing trash, etc.** It shall be unlawful to litter the streets, sidewalks, alleys and public areas within the city or private property adjacent to such public areas by throwing, dropping or otherwise depositing upon such public areas trash or other debris, including but not limited to, beer cans, whiskey bottles, soft drink cans or bottles, napkins, paper cups or containers, unconsumed food, paper, sacks and similar articles. (1988 Code, § 1002)

**11-804. Trespass by motor vehicle.** Any person loitering or who drives, parks or otherwise operates a motor vehicle through or within a parking area, driving area or roadway located on privately owned property which is provided for use by patrons, customers or employees of businesses or establishments upon such property or adjoining property, or for use otherwise in connection with the activities conducted upon such property, or adjoining property, after such person has been requested or ordered to leave the property or cease doing any of the foregoing actions is guilty of a misdemeanor. A request or order under this section may be given by a law enforcement officer or by the owner, lessee, or other person having the right to the use or control of the property, or any authorized agent or representative thereof, including but not limited to, private security guards hired to patrol the property.

As used in this section, motor vehicle includes an automobile, truck, van, bus, recreational vehicle, camper, motorcycle, motorbike, moped, go-cart, all-terrain vehicles, dune buggy, and any other vehicle propelled by a motor.

A property owner, lessee, or other person having the right to the use or control of property may post signs or other notices upon parking areas, driving areas, or roadways, giving notice of the ordinance comprising this chapter, and warning that violators will be prosecuted; however, the posting of signs or notices shall not be a requirement to prosecution under this section, and failure to post signs or notices shall not be a defense to prosecution hereunder. (1988 Code, § 10-1003)

**11-805. Shoplifting first offense.** It shall be unlawful for a person to commit theft of property of an amount under one hundred dollars (\$100.00), if such person, with the intent to deprive a merchant of the stand price of merchandise, knowingly commits any of the following acts:

- (1) Conceals the merchandise;
- (2) Removes, takes possession of, or causes the removal of merchandise;
- (3) Alters, transfers or removes any price marking, or any other marking which aids in determining value affixed to the merchandise;
- (4) Transfers the merchandise from one (1) container to another; or
- (5) Causes a cash register or other sales recording devise to reflect less than the merchants stated price for the merchandise.

This offense shall be considered a misdemeanor if committed as a first offense. Any amount of property that is taken, as provided herein, which exceeds one hundred dollars (\$100.00) and it is not a first offense, will have to be prosecuted in the state courts. (1988 Code, § 10-1004)

**11-806. Failure to appear.** It shall be unlawful for any person to violate his written promise to appear in court in answer to any ordinance violation of any kind. Any such violation shall be a misdemeanor. (1988 Code, § 10-1005)

**11-807. Curfew and violations.**

(1) It is unlawful for any minor unmarried and unemancipated under eighteen (18) years of age to remain in or upon any public places, including but not limited to, streets, sidewalks, highways, common areas of schools, shopping centers, playgrounds, parks, theaters, restaurants, vacant lots, private parking lots (see city code § 11-805), business establishments or other public places open for the use of the public within the city during the periods ending at 6:00 A.M. and beginning;

- (a) At 11:00 P.M. Sunday through Thursday; and
- (b) At 12:00 midnight Friday through Saturday.

(2) It is unlawful for a parent or legal guardian of a minor, as described herein, to knowingly permit or allow such minor to be or remain in or upon any place as defined in subsection (1) herein under circumstances not constituting an exception to, or otherwise beyond the scope of subsection (4). The term "knowingly" includes knowledge which a parent or legal guardian should reasonably be expected to have concerning the whereabouts of a minor in that parent's legal custody. The term "knowingly" is intended to continue to keep neglectful or careless parents up to a reasonable community standard of parental responsibility through an objective

test. It is not a defense that a parent was completely indifferent to the activities or conduct or whereabouts of such minor child.

(3) It is unlawful for an owner, operator, or an employee of a business establishment to knowingly allow a minor to remain upon the premises of the establishment that is open for business during curfew hours.

(4) The following are valid exceptions to the operation of the curfew:

(a) At any time, if a minor is accompanied by such minor's parent or legal guardian;

(b) When accompanied by a person over twenty-one (21) years of age authorized by a parent or guardian of such minor to take such parent or legal guardian's place in accompanying the minor for a designated period of time and purpose within a specified area;

(c) If the minor is legally employed, for the period from forty-five (45) minutes before to forty-five (45) minutes after work, while going directly between the minor's home and place of employment. This exception shall also apply if the minor is in a public place during the curfew hours in the course of the minor's employment. To come within this exception, the minor must be carrying written evidence of employment which is issued by the employer.

(d) When returning home by a direct route from (and within thirty (30) minutes of the termination of) a school activity or an activity of a religious or other voluntary association, or a place of public entertainment, such as a movie, play or sporting event. This exception does not apply beyond 1:00 A.M.;

(e) In the case of reasonable necessity, but only after such minor's parent or legal guardian has communicated to law enforcement personnel the facts establishing such reasonable necessity relating to specified places as described in paragraph (1) herein at a designated time for a described purpose including place or origin and destination. A copy of such communication, or the record thereof, an appropriate notation of the time it was received and of the names and addresses of such parent or legal guardian and minor constitute evidence of qualification under this exception; if errands are necessary during curfew, the parents or legal guardians will comply with this paragraph for such activity.

(f) When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly. A minor shall show evidence of the good faith of such exercise and provide notice to the city officials by first delivering to the appropriate law enforcement authority a written communication, signed by such minor's parent or legal guardian, with the minor's home address and telephone number, addressed to the city manager of the city specifying when, where and in what manner the minor will be on the streets and places at night during hours when the curfew is still otherwise applicable to the minor in the exercise of a First Amendment right specified in such communication; and

(f) When a minor is, with parental consent, in a motor vehicle engaged in good faith interstate travel.

(g) When a minor has to seek help in an emergency situation. "Emergency" is, but it is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury, loss of life or property.

(h) While the minor is on the sidewalk and yard abutting the minor's residence.

(i) When a minor is married or has his disability of minority removed by a proper court order. Each of the foregoing exceptions, and the limitations are severable.

(5) When any child is in violation of this section, the apprehending officer shall act in one (1) of the following ways:

(a) Take the child to the child's home and warn and counsel the parents or legal guardians;

(b) Issue a summons to the child and parent or legal guardians to appear at the county juvenile court.

(c) Bring the child into the custody of the county juvenile court for disposition.

(d) A minor violating the provisions of this section shall commit an unruly act, disposition of which shall be governed pursuant to Tennessee Code Annotated, title 37.

(e) Any parent, legal guardian or owner, operator or employee of a business establishment who knowingly allows a minor to violate the provisions of this chapter, commits a Class C misdemeanor and shall be fined no more than fifty dollars (\$50.00) for each offense; each violation of the provisions of this chapter shall constitute a separate offense, said latter offenses of such persons shall be before the county juvenile court, which court shall receive all fines and costs under this chapter. It is a defense to prosecution under this section that the owner, operator or employee of an establishment promptly notify the police department that a minor is present on the premises of the establishment during curfew hours and refuses to leave.

(6) Before taking any enforcement action under this chapter a police officer shall ask the offender's age and reason for being in a public place during curfew. The officer shall not take any action under this section unless the officer reasonably believes that a violation of this curfew is occurring and that, based on any responses and other circumstances, no defenses as provided by subsection (4) herein apply.

(7) (a) If any provision hereof is determined to be invalid under any law, then such shall not render the entire chapter null and void.

(b) Any person granted custody of a minor or minors by court order shall be deemed a custodial parent or legal guardian within the meaning or purposes of this chapter. "Parent" means a person who is a natural parent adopted parent or stepparent.

(c) As defined herein, a "public place" is any place to which the public has access.

(d) "Establishment" is defined as any privately-owned place of business operating for a profit and to which the public is invited, including but not limited to a business house, a place of amusement or entertainment.

(e) "Remain" means to:

(i) Linger or stay;

(ii) Fail to leave premises when requested to do so by a police officer, juvenile officer or the owner, operator or other person in control of the premises. (Ord. #578-2-99, April 1999)



## TITLE 12

### BUILDING, UTILITY, AND HOUSING CODES

#### CHAPTER

1. BUILDING CODE.
2. BUILDING PERMITS.
3. PLUMBING CODE.
4. ELECTRICAL CODE.
5. GAS CODE.
6. HOUSING CODE.
7. FAIR HOUSING CODE.
8. MECHANICAL CODE.
9. PROPERTY MAINTENANCE CODE.
10. MUNICIPAL ADMINISTRATIVE HEARING OFFICER

#### 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, occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenance connected or attached to any building or structure, the International Building Code, Edition 2012, including Appendix Chapters A,B,C,F, H, I and J are hereby referred to, adopted, and made part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, as

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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: title 18 and 19.

This chapter should be considered in conjunction with chapter 2 of this title.

<sup>2</sup>Copies of this code (and any amendments) may be purchased from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213. Code, § 12-101, as amended by Ord. #540-10-96, Nov. 1996, Ord. #609-12-2000, Feb. 2001, and Ord. #737-2-2009, April 2009)

prescribed in Section 2 of this ordinance. Adopt the “International Residential Code, Edition 2012”. (1969 code, sec. 4-101, modified, as amended by Ordinance 407-2-87, as amended by Ordinance 540-10-96, as amended by Ordinance 609-12-2000, as amended by Ordinance 737-2-2009, and amended by Ord. #806-3-2015, April 2015)

**12-102. Modifications.** Whenever the building code refers to the “Board of Adjustments and Appeals,” said board shall be composed of the Savannah City Commissioners chaired by the mayor.

The following sections are hereby revised:

- (1) Section 101.1. insert: City of Savannah.
- (2) Section 1612.3. insert: City of Savannah (Ord. #806-3-2015, April 2015)
- (3) Section 1612.3. insert June 16, 2006 (Ord. #806-3-2015, April 2015)
- (4) Chapter 9 – Section 903.2.28 Group R – Insert: One and two family dwellings shall not be required to be equipped with an automatic sprinkled system. (Ord. #806-3-2015, April 2015)
- (5) Chapter 13 IBC and Chapter 11 IRC – Energy Efficiency be deleted and replace with “International Energy Conservation Code, Edition 2006”. (Ord. #806-3-2015, April 2015)
- (6) Chapter 17 - Structural Tests and Inspections be deleted. (Ord. #806-3-2015, April 2015)
- (7) Appendix E – Section AE503 – Skirting and Perimeter Enclosures of the 2012 International Residential Code be amended by adding the following language “All multi-sectional manufactured housing shall have a permanent perimeter enclosures constructed as a solid retaining wall in accordance with Section A503.2 of the 2012 International Residential Code”. (Ord. #806-3-2015, April 2015)
- (8) Section 1613: Earthquake Loads be deleted and replace with Section 1607, Earthquake Loads, Southern Building Code, 1997 Edition.
- (9) Chapter 17 – Structural Tests and Special Inspections be deleted.
- (10) Chapter 11 entitled "Accessibility" be deleted and replace with Volume 1-C of the 1999 Edition of the North Carolina State Building Code entitled "Making Buildings and Facilities Accessible To and Usable by the Physically Handicapped." (as amended by Ordinance 609-12-2000)
- (11) Appendix E- Section AE503- Skirting and Perimeter Enclosures of the 2006 International Residential Code be amended by adding the following language “All multi-sectional manufactured housing shall have a permanent perimeter enclosures.”

The building official at his discretion shall require a declaration of compliance by executed by the building permit applicant or his qualified representative relative to any building or structure requiring a building permit.

When any reference is made to the duties of certain official named therein, that designated official of Savannah, Tennessee who has duties corresponding to those of the named official in said code or appendix will be deemed to be the responsible official insofar as enforcing the provisions of said code or appendix are

concerned. (1988 Code, § 12-101, as amended by Ord. #737-2-2009, April 2009) (Ord. #806-3-2015, April 2015)

**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 has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1988 Code, § 12-103, as amended by Ord. #609-12-2000, Feb. 2001)

**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.

Any building constructed after the adoption of the building code, not in accordance with the building code, may be denied utility services by the department of public utilities of the City of Savannah, and no certificate of occupancy shall be issued by the zoning authority of Savannah authorizing the occupancy of said building. (1988 Code, § 12-104)

## CHAPTER 2

### BUILDING PERMITS<sup>1</sup>

#### SECTION

- 12-201. Permits required.
- 12-202. Applications for permits.
- 12-203. Valuation of structure.
- 12-204. Fees.
- 12-205. Investigation, approval, and disapproval of applications.
- 12-206. Enforcement.

**12-201. Permits required.** It shall be unlawful for any person, firm, corporation, or association to construct, reconstruct, repair, enlarge, extend, or work upon any building or structure of any character within the City of Savannah where the cost of such exceed the sum of one hundred dollars (\$100.00) without having first obtained a permit from the city manager. Any person, firm, corporation, or association, who fails to make application for and obtain the permit required by this chapter, or any person, who performs any work upon any building or structure in the City of Savannah for which a permit has not been obtained as herein provided, shall be guilty of a misdemeanor. (1988 Code, § 4-201)

**12-202. Applications for permits.** Any person, firm, or association desiring to construct, reconstruct, repair, enlarge, extend, or work upon any building or structure, or to construct for the same, in accordance with § 12-201 shall first make application, in writing, to the city manager for a permit to do such work, and which application shall be on such form as may be prescribed by the city manager, and which application shall furnish the following information:

- (1) The street and lot number or house number of said proposed work.
- (2) The size of the lot upon which such work or construction is to be performed.
- (3) In the case of new construction, the distance from the front lot line, the side lines and the rear lines, said building or structure is to be placed upon the lot.
- (4) The cost of the construction, repair, or improvements to be made estimated as near as reasonably can be done.
- (5) The type of construction proposed and the material out of which the building or structure is to be constructed, repaired, or enlarged.
- (6) The use to which said building or structure will be put.
- (7) The name of the owner of the lot, the contractor who proposed to do the building, and the architect, if any.

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<sup>1</sup>This chapter should be considered in conjunction with chapter 1 of this title and the building code adopted therein.

(8) Such other information as the city manager may require.

(9) The city manager, in case he deems it necessary, may require a plat of the lot showing the dimensions and the location of the building to be constructed.

(10) The application to be submitted in triplicate on such form as provided by the city manager.

(11) A property owner applying to build a residence for personal use shall be required to sign an (affidavit of exemption) as required under Tennessee Code Annotated, § 13-7-211. (1988 Code, § 4-202)

**12-203. Valuation of structure.** When determining the building and structure value for building permit purposes, the following shall be adhered to:

(1) If applicable, determine the total square feet of the proposed structure.

(2) Apply the following per square foot costs:

Single family dwellings-\$50.00

Multiple family dwellings, including apartment buildings-\$40.00

Mercantile and business-\$60.00

Assembly, education, hazardous and institutional- \$75.00

Factory, industrial and storage-\$15.00

Metal and accessory buildings- \$10.00

(3) The valuation for fee application of any structure including mobile homes requiring a building permit not included above will be determined to the satisfaction of the building official. (1988 Code, § 4-203, as amended by Ord. #671-8-2004, Oct. 2004)

**12-204. Fees.** There shall be paid at the time of the filing of the application for said permit:

Where the valuation does not exceed one hundred dollars (\$100.00), no fee shall be required, unless an inspection is necessary or called for, in which case the fee shall be fifteen dollars (\$15.00). For valuation over one hundred dollars (\$100.00) up to and including one thousand dollars (\$1,000.00), the fee shall be fifteen dollars (\$15.00). For valuation over one thousand dollars (\$1,000.00) up to fifty thousand dollars (\$50,000.00), the fee shall be fifteen dollars (\$15.00) for the first thousand and five dollars (\$5.00) for each additional thousand or fraction thereof, to and including fifty thousand dollars (\$50,000.00) up to one hundred dollars (\$100,000.00), the fee shall be two hundred sixty dollars (\$260.00) for the first fifty thousand and four dollars (\$4.00) for each additional thousand or fraction thereof, to and including one hundred thousand dollars (\$100,000.00). For valuation over one hundred thousand dollars (\$100,000.00) up to five hundred thousand dollars (\$500,000.00), the fee shall be four hundred sixty dollars (\$460.00) for the first one hundred thousand and three dollars (\$3.00) for each additional thousand or fraction thereof, to and including five hundred thousand dollars (\$500,000.00). For a valuation over five hundred thousand dollars (\$1,660.00) for the first five hundred thousand, and two dollars (\$2.00) for each additional thousand or fraction thereof.

For any permits issued contingent upon section 104.2 of the building code, a plan checking fee equal to one-half (1/2) of the building permit shall be added to the cost of the permit.

For the moving of any building or structure, the fee shall be a minimum of one hundred dollars (\$100.00), with an additional fee of fifty dollars (\$50.00) per hour for all police assistance time in excess of two (2) hours.

For the demolition of any building or structure, the fee shall be:

0 up to 50,000 cubic feet - \$25.00

50,001 to 100,000 cubic feet - \$50.00

100,000 cubic feet and over - \$0.50./1,000 cubic feet.

(Ord. #609-12-2000, Feb. 2001)

**12-205. Investigation, approval, and disapproval of applications.**

Upon the filing of the application herein required, the city manager shall make such investigation as deemed by him necessary, and shall, within ten (10) days after the filing of the application, act upon the same, either by granting the permit or by denying the same.

In the event the city manager denies the permit, the applicant shall have the right to appeal to the board of commissioners at their next regular meeting. (1988 Code, § 4-205)

**12-206. Enforcement.** It shall be the duty of the city manager to enforce this chapter, and in the event there comes to his attention the fact that any building is being construed, reconstructed, repaired, enlarged, extended or any work being performed upon the same, where no permit has been issued, as required in this chapter he shall notify the owner of the said lot, upon which the same is being constructed or repaired, or the contractor doing such work, and then in the event a permit is not secured, he shall issue a warrant for the person working upon or in charge of the work upon any building or structure in violation of this chapter for the trial of such person before the city court. It shall be the duty of all policemen and other employees of the City of Savannah to assist the city manager in the enforcement of this chapter by reporting to him any new construction, or repair that is being done in violation of this chapter.

If any of the provisions of this chapter are in conflict with the building code as adopted by § 12-101 of this code, the provisions of this chapter shall control. (1988 Code, § 12-206)

## CHAPTER 3

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

#### SECTION

- 12-301. Plumbing code adopted.
- 12-302. Modifications.
- 12-303. Available in recorder's office.
- 12-304. Violations.

**12-301. Plumbing code adopted.** Pursuant to authority granted by Tennessee Code Annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating plumbing installations, including alterations, repairs, equipment, appliances, fixtures, fittings, and the appurtenances thereto, within or without the city, when such plumbing is or is to be connected with the city water or sewerage system, the International Plumbing Code, 2012 Edition including APPENDIX A, Permit Fee as determined by the Savannah Utility Board, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the plumbing code. (1988 Code, § 4-301, as amended by Ord. #609-12-2000, Feb. 2001, and Ord. #737-2-2009, April 2009, and as amended by Ord. #806-3-2015, April 2015)

#### **12-302. Modifications.**

(1) Wherever the plumbing code refers to the "Chief Appointing Authority," "the "Administrative Authority," or the "Governing Authority," it shall be deemed to be a reference to the city manager.

(2) Wherever "City Engineer," "Engineering Department," "Plumbing Official," or "Inspector" is named or referred to, it shall mean the person appointed or designated by the city manager to administer and enforce the provisions of the plumbing code.

(3) Any pipe, solder or flux which is used in the installation or repair of any plumbing in a residential or non-residential facility providing water for human consumption, shall be lead free with not more than 0.2% lead in solders and flux and not more than 8.0% lead in pipes and fittings. This does not apply to leaded joints necessary for the repair of cast iron pipes. (1988 Code, § 4-302, modified)

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<sup>1</sup>Municipal code references

Cross connections: title 18

Street excavations: title 16.

Wastewater treatment: title 18.

Water and sewer system administration: title 18.

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

**12-303. Available in recorder's office.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the plumbing code has been placed on file in the recorder's office and shall be kept there for the use and inspection of the public. (1988 Code, § 4-303)

**12-304. 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.

Any plumbing of any character installed after the adoption of the plumbing code, not in accordance with the plumbing code shall not be connected with the water and sewerage system of the City of Savannah, and no water or sewerage service shall be furnished or supplied to such building until the plumbing ins said building complies with the plumbing code herein adopted. (1988 Code, § 4-304)



**CHAPTER 4****ELECTRICAL CODE****SECTION**

12-401. Electrical work, permit, and enforcement.

**12-401. Electrical work, permit, and enforcement.** Electrical permits shall be issued by TVEC, with inspection being conducted by an electrical inspector designated by the State of Tennessee Department of Commerce and Insurance. All work must comply with the NEC electrical code that has been adopted by the State of Tennessee Whenever an electrical permit or inspection is not required, inspection may be performed by City of Savannah Code Department. (1988 Code, § 4-304) (Ord. #806-3-2015. April 2015)

## CHAPTER 5

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

#### SECTION

- 12-501. Title and definitions.
- 12-502. Purpose and scope.
- 12-503. Use of existing piping and appliances.
- 12-504. Application to do business as an installing agency.
- 12-505. Qualification requirements before a business permit shall be issued.
- 12-506. Revocation of business permits.
- 12-507. Fees for business permits.
- 12-508. Expiration and renewal of business permits.
- 12-509. Insurance requirements for business permit holders.
- 12-510. Unlawful to engage in business as an installing agency without a business permit.
- 12-511. Drawings and specifications.
- 12-512. Examination of contract documents.
- 12-513. Inspections.
- 12-514. Notification of inspectors required.
- 12-515. Inspectors and their powers and duties.

**12-501. Title and definitions.** This chapter and the code herein adopted by reference shall be known as the gas code of the city and may be cited as such.

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

(1) “Authorized installing agency.” Shall be any person, firm, corporation, or contractor, who has complied with this chapter and has been issued a certificate by the utility director herein provided to engage in the work of installing and repairing gas piping, appliances, fixtures, and equipment in the City of Savannah or to any person receiving gas service from the natural gas system of the City of Savannah.

(2) “Certain appliances.” Conversion burners, floor furnaces, central heating plants, vented wall furnaces, water heaters, and boilers.

(3) “Gas system.” The natural gas distribution system constructed, owned, and operated by the City of Savannah.

(4) “Inspector.” The person designated by the utility director to make inspection of consumer gas piping.

(5) “Person.” Any individual, partnership, firm, corporation, or any other organized group of individuals. (1988 Code, § 4-501)

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Copies of this code are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213.

**12-502. 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 or without the corporate limits when such piping and/or appliances are to be connected or will be connected to the city's natural gas system shall conform to the requirements of this chapter and to the International Fuel Gas Code, 2012 Edition, including Appendix B, permit fees as amended by the Savannah Utility Board, which is hereby incorporated herein 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. (1988 Code, § 4-502, as amended by Ord. #604-12-2000, Feb. 2001, and Ord. #737-2-2009, April 2009, and as amended by Ord. #806-3-2015, April 2015)

**12-503. Use of existing piping and appliances.** Notwithstanding any provision in the gas code to the contrary, consumer's piping installed prior to the adoption of the gas code or piping installed to supply other than natural gas may be converted to natural gas if the inspector finds, upon inspection and proper tests, that such piping will render reasonably satisfactory gas service to the consumer and will not in any way endanger life or property; otherwise, such piping shall be altered or replaced, in whole or in part, to conform with the requirements of the gas code. (1988 Code, § 4-503)

**12-504. Application to do business as an installing agency.** In order to determine that the provisions of the gas code herein adopted are fully complied with and that those persons, firms, or corporations engaged in the business of installing gas appliances, systems, facilities, and equipment are properly qualified to engage in business, the utility director shall examine all applicants desiring to engage in such work and issue permits as herein provided.

All persons, firms, corporations, contractors, or associations desiring to engage in the work or business of installing gas piping, appliances, fixtures, equipment, or gas systems in the City of Savannah or in or upon the property of any person receiving gas service from the gas system of the City of Savannah, shall make application to the utility director on such form and in such manner as said director may determine, under the rules and regulations, and said applicants shall appear before the director to be examined as to their qualifications and ability to operate such business, and no person, firm, or corporation shall engage in such business or install any gas appliances, gas systems, fixtures, or equipment until such person, firm, or corporation has been approved by the utility director, and a permit issued to such person, firm, corporation, or association authorizing it to engage in such business. Upon the issuance of such permit and approval by the utility director, such person, firm, corporation, or association shall be a qualified installing agency, as provided by this chapter. (1988 Code, § 4-504)

**12-505. Qualifications requirements before a business permit shall be issued.** The examination herein provided shall be either oral or written under

such rules and regulations as may be adopted by the utility director. The applicant shall furnish evidence satisfactory to the utility director that qualified and competent laborers or workmen shall be used by the installing agency in the installation, replacement, or repair of consumer gas piping, or the connection, installation, repairing, or servicing of gas appliances and/or gas burning equipment, and such installing agency shall be responsible in seeing that such work is performed in a safe, workmanlike manner, and up to the standard of the art of this kind of work, and that the same is performed in accordance with good engineering practices, as used by those experienced in such work, and familiar with all precautions required for utmost safety in such field of work, and such complies with all the provisions of the gas code. (1988 Code, § 4-505)

**12-506. Revocation of business permits.** Any permit to engage in the work or business of a qualified gas installing agency may be revoked by the utility director for failure to comply with all city ordinances or the gas code herein adopted or that may be hereafter adopted by the City of Savannah, and the rules and regulations of the department of public utilities and the board of commissioner governing the installation, servicing, and repairing of gas systems, gas burning facilities, and equipment, or such permit may be revoked for allowing or permitting said work to be carried on in an unworkmanlike manner by those employed by or under the supervision of a gas installing agency, or allowing and permitting the same to be done in an hazardous or dangerous manner, or for continued inefficient work by said installing agency. (1988 Code, § 4-506)

**12-507. Fees for business permits.** Each applicant for a permit to qualify as an installing agency shall pay to the department of public utilities, at the time of making such application, a fee of ten dollars (\$10.00), and at the time of renewal of each permit of an installing agency, there shall be paid to the department of public utilities a fee of five dollars (\$5.00). The fee of ten dollars (\$10.00) shall not be refunded in the event the applicant is not granted a permit as an installing agency, but shall be retained by the department to defray the cost of investigation and examination herein provided. (1988 Code, § 4-507)

**12-508. Expiration and renewal of business permits.** The permit of an installing agency shall expire on December 31 following the date of issuance, but may be renewed by the holder thereof without further examination or application, provided that the holder is not in violation of any of the rules and regulations of the department of public utilities, and in the opinion of the utility director it is unnecessary to have an examination of said gas installing agency. The utility director may, however, upon expiration of any permit, require a new application and examination of any gas-installing agency. (1988 Code, § 4-508)

**12-509. Insurance requirements for business permit holders.** The owner of the business, or the senior member or acting head of a firm or corporation, engaged in the business of a gas installation agency shall be considered as the

person responsible for all work done by such installing agency, as herein defined, and provided for.

And said applicant shall furnish evidence that it or he has obtained a comprehensive general liability insurance policy with limits of liability of not less than one hundred thousand dollars (\$100,000.00) combined single limits liability for residential projects and/or three hundred thousand dollars (\$300,000.00) combined single limits liability for commercial and industrial projects. Each policy shall provide that in the event the same is terminated or canceled for any reason notice shall be given to the department of public utilities. Upon the termination or cancellation of said insurance policy, the permit of an installing agency shall be immediately suspended and revoked. (1988 Code, § 4-509)

**12-510. Unlawful to engage in business as an installing agency without a business permit.** No firm or corporation shall engage in the work of an installing agency, nor shall any person, firm, or corporation install in any building or any character in the City of Savannah, or any building to which gas shall be supplied from the gas system of the City of Savannah, any gas pipe, gas appliances or equipment, using natural gas, unless such person, firm, or corporation holds a valid permit issued by the utility director as herein above provided. The department of public utilities, the superintendent thereof, nor any employee of said department, shall not connect the gas piping or system in such building to the gas system unless the same has been installed by qualified installing agency as provided for in this chapter.

It is declared a misdemeanor and punishable under the general penalty clause of this code, for any person to engage in the business of a gas installing agency, as in this chapter provided, unless such person, firm, or corporation is qualified and has a valid permit as herein provided, and each day such agency is engaged in business, in violation of this chapter, shall be deemed a separate offense.

No property owner shall cause or permit any installation, modification, change to or repair of any gas house piping or gas appliance as herein above provided, in the City of Savannah, or its gas service territory, or receiving gas from the gas system of the City of Savannah, unless such person, firm, or corporation is a duly qualified gas installing agency, as herein provided, and the fact that such work has been done by other than an installing agency, qualified as herein provided, shall be sufficient to hold and render said property owner responsible for the violation of this chapter. (1988 Code, § 4-510)

**12-511. Drawings and specifications.** When required by the gas official, two (2) or more copies of specifications, and of drawings drawn to scale with sufficient clarity and detail to indicate the nature and character of the work, shall be submitted for the review and approval prior to the installation, modification or change of any natural gas system or natural gas burning equipment. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with this code. Such information shall be specific, and this code shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used, as a substitute for specific

information. The gas official may require details, computations, stress diagrams, and other data necessary to describe the installation and basis of calculations and they shall bear the signature of the person responsible for the design.

All drawings, specifications, and accompanying data shall bear the name and address of the designer. For buildings or structures of Group E- Educational, Group I-Institutional and Group A-Assembly Occupancy, and all buildings or structures three (3) stories or more in height or five thousand (5,000) square feet or more in area, except one (1) and two (2) family dwellings, such designer shall be an architect or engineer legally registered under the laws of this state or equal, regulating the practice of architecture or engineering and shall affix his official seal to said drawings, specifications and accompanying data. (1988 Code, § 4-511)

**12-512. Examination of contract documents.** The gas official shall examine or cause to be examined each set of contract documents, consisting of drawings, specifications, computations and additional data, and shall ascertain by such examinations whether the construction indicated and described as in accordance with the requirements of this code and all other pertinent laws or ordinances.

The gas official may require a sworn affidavit from a registered architecture engineer stating that the plans submitted conform to this code and he may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the gas official copies of inspection reports as inspections are performed and upon completion of the gas system a certification that the system has been installed in accordance with the requirements of this code. Where the gas official relies upon such affidavit, the architecture engineer shall assume full responsibility for the compliance with all provisions of this code and other pertinent laws or ordinances. (1988 Code, § 12-512)

**12-513. Inspection.** All installations of gas systems, gas appliances, and all changes or modifications of any existing gas systems or additions to any existing gas systems, or installation of any appliances shall be inspected by the gas inspector or his designated representative, to insure compliance with the requirements of this chapter, and the gas system is in accordance with the approved plans and specifications. (1988 Code, § 12-513)

**12-514. Notification of inspector required.** It shall be the duty of the installing agency to give reasonable advance notice to the gas inspector when gas installation work is ready for test or inspection.

It shall be the duty of the installing agency to make sure that the work will stand the test prescribed before giving the above notice, and to furnish all necessary test equipment, materials, power, and labor needed in making the inspection, and testing the safety of such installation in accordance with good engineering practices in such field of work.

If the gas inspector finds that the work will not pass the test, the installing agency shall be required to make necessary corrections and the work will be resubmitted for inspection and test. (1988 Code, § 4-514)

**12-515. Inspectors and their powers and duties.** The gas inspector or his duly authorized representative/s is authorized to make inspections of gas systems, as herein provided, and to see and determine that all installations, alterations, repairs, movements or replacements of a gas system are properly executed.

The gas inspector or inspectors and their assistants are empowered and directed to inspect the installation, modification, or repair of any gas piping, gas appliances, fixtures, and apparatus now or thereafter to be placed in, or in any manner directly attached to any building or structure, or in any manner connected with the natural gas distribution system of the city. The gas inspector and his assistants are hereby vested with full authority to enter any building or premises, at any reasonable time, for the discharge of their duties.

After making the inspection, the inspector shall give written notice to the installing agency and the owner, his agent, or representative, as to whether or not the inspection has been satisfactory. If defects are found in the system, the same shall be specified in the notice, and the department of public utilities shall refuse to connect the installation to the gas system, or to turn on the gas to the premises until the defects have been remedied, and it has been determined that the installation complies with the gas code, this chapter, and the rules and regulations of the department of public utilities. (1988 Code, § 4-515)

## CHAPTER 6

### HOUSING CODE

#### SECTION

- 12-601. Housing code adopted.
- 12-602. Modifications.
- 12-603. Available in recorder's office.
- 12-604. Violations.

**12-601. 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> 1982 edition with 1984 revisions, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the housing code. (1988 Code, § 4-601)

**12-602. Modifications.**

(1) Definitions. Wherever the housing code refers to the "Housing 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 board of commissioners.

(2) Penalty clause deleted. Section 108 of the housing code is deleted. (1988 Code, § 4-602)

**12-603. 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. (1988 Code, § 4-603, as amended by Ord. #602-12-2000, Feb. 2001)

**12-604. 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. (1988 Code, § 4-604)

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



## CHAPTER 7

### FAIR HOUSING CODE

#### SECTION

- 12-701. Policy.
- 12-702. Definitions.
- 12-703. Unlawful practice.
- 12-704. Discrimination in the sale or rental of housing.
- 12-705. Discrimination in the financing of housing.
- 12-706. Discrimination in the provision of brokerage services.
- 12-707. Exemption.
- 12-708. Administration.
- 12-709. Education and conciliation.
- 12-710. Enforcement.
- 12-711. Investigations; subpoenas; giving of evidence.
- 12-712. Enforcement by private persons.

**12-701. Policy.** It is the policy of Savannah to provide, within constitutional limitations, for fair housing throughout the community. (1988 Code, § 4-701)

**12-702. Definitions.**

(1) “Discriminatory housing practice” means an act that is unlawful under §§ 12-704, 12-705, or 12-706.

(2) “Dwelling” means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(3) “Family” includes a single individual.

(4) “Person” includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

(5) “To rent” includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises owned by the occupant.

**12-703. Unlawful practice.** Subject to the provisions of subsection (2) and § 12-707, the prohibitions against discrimination in the sale or rental of housing set forth in § 12-704 shall apply to:

(1) All dwellings except as exempted by subsection (2) below.

(2) Nothing in § 12-704 shall apply to:

(a) Any single-family house sold or rented by an owner: Provided that such private individual owner does not own more than three (3) such single-family houses at any one (1) time: Provided further that in such case of the sale of any such single-family house by a private individual

owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one (1) such sale within any twenty-four (24) month period: Provided further that such bona fide private individual owner does not own any interest in, nor is owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three (3) such single-family houses at any one (1) time: Provided further that the sale or rental of any such single-family house shall be expected from the application of this title only if such house is sold or rented:

(i) Without the use in any manner of the sale or rental facilities or the sale or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person; and

(ii) Without the publication, posting or mailing, after notice of any advertisement or written notice in violation of § 12-704(3) of this chapter, but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or

(b) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

(3) For the purpose of subsection (2), a person shall be deemed to be in the business of selling or renting dwellings if:

(a) He has, within the preceding twelve (12) months, participated as principal in three (3) or more transactions involving the sale or rental of any dwelling or any interest therein; or

(b) He has, within the preceding twelve (12) months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two (2) or more transactions involving the sale or rental of any dwelling or any interest therein; or

(c) He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five (5) or more families. (1988 Code, § 4-703)

**12-704. Discrimination in the sale or rental of housing.** As made applicable by § 12-703 and except as exempted by §§ 12-703(2) and 12-707, it shall be unlawful:

(1) To refuse to sell or rent after the making of a bonafide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny,

a dwelling to any person because of race, color, religion, sex, national origin, familial status or handicap.

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, national origin, familial status or handicap.

(3) To make, print or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, national origin, familial status or handicap, or any intention to make any such preference, limitation, or discrimination.

(4) To represent to any person because of race, color, religion, sex, national origin, familial status or handicap that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

(5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of any particular race, color, religion, sex, national origin, familial status or handicap. (1988 Code, § 4-704)

**12-705. Discrimination in the financing of housing.** It shall be unlawful for any bank, building, firm or enterprise whose business consists in whole or in part in the making or commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, sex, national origin, familial status or handicap of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given: provided, that nothing contained in this section shall impair the scope or effectiveness of the exception contained in § 12-703(2). (1988 Code, § 4-705)

**12-706. Discrimination in the provision of brokerage services.** It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers organization or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, national origin, familial status or handicap. (1988 Code, § 4-706)

**12-707. Exemption.** Nothing in this chapter shall prohibit a religious organization, association, or society or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of

dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, sex, national origin, familial status or handicap. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members. (1988 Code, § 4-707)

**12-708. Administration.**

(1) The authority and responsibility for administering this act shall be in the Mayor of the City of Savannah.

(2) The mayor may delegate any of these functions, duties, and powers to employees of the city, or to boards of such employees, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business or matter under this chapter. The mayor shall by rule prescribe such rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officers in the city, to boards of officers or to himself, as shall be appropriate and in accordance with law.

(3) All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purpose of this chapter and shall cooperate with the mayor to further such purposes. (1988 Code, § 4-708)

**12-709. Education and conciliation.** Immediately after the enactment of the ordinance comprising this chapter, the mayor shall commence such educational and conciliatory activities as will further the purposes of this chapter. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this chapter and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement. (1988 Code, § 4-709)

**12-710. Enforcement.**

(1) Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the Mayor of Savannah. Complaints shall be in writing and shall contain such information and be in such form as the mayor requires. Upon receipt of such a complaint, the mayor shall furnish a copy of the same to the person or persons who allegedly committed or about to commit the alleged discriminatory housing practice. Within thirty days after receiving a complaint, or within thirty days after the expiration of any period of reference under subsection (3), the mayor shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the mayor decides to resolve the complaint, he shall proceed to try to eliminate or correct the alleged discriminatory housing

practice by informal methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of the persons concerned. Any employee of the mayor who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than one (1) year.

(2) A complaint under subsection (1) shall be filed within one hundred eighty(180) days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the mayor, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

(3) If the mayor has been unable to obtain voluntary compliance within thirty (30) days of the complaint, the person aggrieved may, within thirty (30) days hereafter commence a civil action in any appropriate court, against the respondent named in the complaint, to enforce the rights granted or protected by this chapter, insofar as such rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

(4) In any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.

(5) Whenever an action filed by an individual shall come to trial, the mayor shall immediately terminate all efforts to obtain voluntary compliance. (1988 Code, § 12-710)

**12-711. Investigations; subpoenas; giving of evidence.**

(1) In conducting an investigation the mayor shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are reasonable necessary for the furtherance of the investigation: Provided, however, that the mayor first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The mayor may issue subpoenas to compel his access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States district court for the district in which the investigation is taking place. The mayor may administer oaths.

(2) Upon written application to the mayor, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the mayor to the same extent and subject to the same limitations as subpoenas issued by the mayor himself. Subpoenas issued at the request of a respondent shall show

on their face the name and address of such respondent and shall state that they were issued at his request.

(3) Witness summoned by a subpoena of the mayor shall be entitled to the same witness and mileage fees as are witnesses in proceedings in the United States district courts. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him.

(4) Within five (5) days after service of a subpoena upon any person, such person may petition the mayor to revoke or modify the subpoena. The mayor shall grant the petition if he finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.

(5) In case of contumacy or refusal to obey a subpoena, the mayor or other person at whose request it was issued may petition for its enforcement in the municipal or state court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(6) Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the mayor shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than one (1) year, or both. Any person who, with intent thereby to mislead the mayor, shall make or cause to be made any false entry or statement or fact in any report, account, record, or other document submitted to the mayor pursuant to his subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true, and correct entries in such reports, accounts, records, or other documents, or shall willfully mutilate, alter, or by any other means falsify any documentary evidence, shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than one (1) year, or both.

(7) The city attorney shall conduct all litigation in which the mayor participates as a party or as amicus pursuant to this chapter. (1988 Code, § 4-711)

#### **12-712. Enforcement by private persons.**

(1) The rights granted by §§ 12-703, 12-704, 12-705, and 12-706 may be enforced by civil action in state or local courts of general jurisdiction. A civil action shall be commenced within one hundred and eighty (180) days after the alleged discriminatory housing practice occurred: Provided, however, that the court shall continue such civil case brought pursuant to this section or § 12-710(4) from time to time before bringing it to trial or renting dwellings; or

(2) Any person because he is or has been, or in order to intimidate such person or any other person or any other person or any class of persons from:

(a) Participating, without discrimination on account of race, color, religion, sex, or national origin, in any of the activities, services, organizations or facilities described in subsection (15)(a); or

(b) Affording another person or class of persons opportunity or protection so to participate; or

(3) Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, or national origin, in any of the activities, services, organizations or facilities described in subsection (15)(a), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than one (1) year, or both; and if bodily injury results shall be fined not more than ten thousand dollars (\$10,000.00), or imprisoned not more than ten (10) years, or both; and if death results shall be subject to imprisonment for any term of years or for life. (1988 Code, § 4-712)

## CHAPTER 8

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

#### SECTION

- 12-801. Mechanical code adopted.
- 12-802. Modifications.
- 12-803. Available in recorder's office.

**12-801. Mechanical code adopted.** Pursuant to authority granted by Tennessee Code annotated, §§ 6-54-501 through 6-54-506, and for the purpose of regulating the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances thereto, including ventilating, heating, cooling, air conditioning, and refrigeration systems, incinerators, and other energy-related systems, the International Mechanical Code,<sup>2</sup> 2012 edition, including Appendix B permit fees as determined by the Savannah Utility Board, is hereby adopted and incorporated by reference as a part of this code and is hereinafter referred to as the mechanical code. (1988 Code, § 4-801, as amended by Ord. #608-12-2000, Feb. 2001, and Ord. #737-2-2009, April 2009, and as amended by Ord. #806-3-2015, April 2015)

**12-802. Modifications.** Whenever within the said code, when reference is made to the duties of a certain official named therein, that designated official of the City of Savannah who has duties corresponding to those of the named official in said code shall be deemed to the responsible official insofar as enforcing the provisions of said code are concerned. (Ord. #608-12-2000, Feb. 2001)

**12-803. Available in recorder's office.** Pursuant to the requirements of Tennessee Code Annotated, § 6-54-502, one (1) copy of the mechanical code has been placed on file in the city recorder's office and shall be kept there for the use and inspection of the public. (1988 Code, § 4-803)

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<sup>1</sup>Municipal code references Street  
Excavations: title 16  
Wastewater treatment: title 18.  
Wastewater and sewer system administration: title 18.

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



## CHAPTER 9

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

#### SECTION

- 12-901. Property Maintenance code adopted.
- 12-902. Modifications.
- 12-903. Amendments.
- 12-904. Validity.
- 12-905. No affect.

**12-901. Property Maintenance code adopted.** That a certain document, three (3) copies of which are on file in the office of the City Recorder of City of Savannah, being marked and designated as the International Property Maintenance Code, 2006 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Savannah in the State of Tennessee for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of City of Savannah are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance. (Ord. #756-9-2010, Nov. 2010)

**12-902. Modifications.** In the 2006 Property Maintenance Code, the following sections are hereby revised:

- (1) Section 101.1. Insert: City of Savannah
- (2) Section 103.5. Insert: Fees as adopted in existing ordinances as it pertains to violations.
- (3) Section 302.4. Insert: Six (6") inches
- (4) Section 304.14. Insert: March 1 to November 1
- (5) Section 602.3. Insert: October 1 to March 31
- (6) Section 602.4. Insert: October 1 to March 31 (Ord. #756-9-2010, Nov. 2010)

**12-903. Amendments.** Amending Ordinance No. 367-2-84 of City of Savannah entitled Maintenance of Private Property by including the 2006 Edition of the International Property Maintenance Code and hereby repealing any part in conflict. (Ord. #756-9-2010, Nov. 2010)

**12-904. Validity.** That is any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Savannah hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional. (Ord. #756-9-2010, Nov. 2010)

**12-905. No affect.** That nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any causes or causes of action acquired or existing, under any act of ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance. (Ord. #756-9-2010, Nov. 2010)

## CHAPTER 10

### MUNICIPAL ADMINISTRATIVE HEARING OFFICER

#### SECTION

- 12-1001. Municipal administrative hearing officer.  
 12-1002. Jurisdiction and procedure before the administrative hearing officer.  
 12-1003. Judicial review of final order.

#### **12-1001. Municipal administrative hearing officer.**

(1) In accordance with Tennessee Code Annotated, Title 6, Chapter 54, Part 10, there is hereby created the Office of Administrative Hearing Officer to hear violations of any of the provisions codified in the Code of Ordinances of the City of Savannah relating to building and property maintenance including:

- (a) Building codes found at Title 12, Chapter 1, Section 12-101;
- (b) Residential codes found at Title 12, Chapter 1, Section 12-101;
- (c) Plumbing codes found at Title 12, Chapter 3, Section 12-301;
- (d) Electrical codes found at Title 12, Chapter 4, Section 12-401;
- (e) Gas codes found at Title 12, Chapter 5, Section 12-502;
- (f) Mechanical codes found at Title 12, Chapter 8, Section 12-801;
- (g) Property maintenance codes found at Title 12, Chapter 9, Section 12-901 and property Maintenance Regulations found in Title 13, Chapters 1, 2, and 3; and
- (h) All ordinances regulating any subject matter commonly found in the above-described codes.

The administrative hearing officer is not authorized to hear violations of codes adopted by the State Fire Marshal pursuant to Tennessee Code Annotated § 68-120-101(a) enforced by Deputy Building Inspector pursuant to Tennessee Code Annotated § 68 120-101(f).

(2) There is hereby created one (1) administrative hearing officer position to be appointed pursuant to Tennessee Code Annotated § 6-54-1006.

(3) The city may enter into an interlocal agreement with one or more other municipalities to employ one (1) or more administrative hearing officers in accordance with Tennessee Code Annotated § 6-54-1001.

(4) Clerical and administrative support for the Office of Administrative Hearing Officer shall be provided as determined by the City Manager or designee.

(5) The administrative hearing officer shall perform all of the duties and abide by all of the requirements provided in T.C.A. § 6-54-1001. (Ord. #807-3-2015, April 2015)

**12-1002. Jurisdiction and procedure before the administrative hearing officer.** The administrative hearing officer's jurisdiction shall be as set out in Tennessee Code Annotated § 6-54-1001, et seq., and all matters before the administrative hearing officer shall be conducted in accordance with the provisions of Tennessee Code Annotated § 6-54-1001, et seq., which provisions are adopted and incorporated herein by reference. (Ord. #807-3-2015, April 2015)

**12-1003. Judicial Review of Final Order.** A person who is aggrieved by a final decision in a contested case is entitled to judicial review pursuant to Tennessee Code Annotated § 6-54-1017, which shall be the only available method of judicial review. (Ord. #807-3-2015, April 2015)

## TITLE 13

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

#### CHAPTER

1. MAINTENANCE OF PRIVATE PROPERTY.
2. JUNKED MOTOR VEHICLES, JUNK YARDS.
3. SLUM CLEARANCE.

#### CHAPTER 1

### MAINTENANCE OF PRIVATE PROPERTY

#### SECTION

- 13-101. Health and sanitation nuisances.
- 13-102. Notice to clean up premises.
- 13-103. Failure to comply with notice; city to make removal; charge for removal.
- 13-104. City to have a lien on property until charges are paid.
- 13-105. Collection of costs and attorney's fees.
- 13-106. Additional remedy.
- 13-107. Smoke, soot, cinders, etc.
- 13-108. Trucks, trailers, etc., used to carry animals and/or fowls.
- 13-109. Violations and penalty.

#### **13-101. Health and sanitation nuisances.**

(1) 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, or to allow garbage or trash to accumulate on property under his or her control and ownership within the city limits of the City of Savannah, or to permit weeds or other vegetation to grow to a height in excess of six inches (6") or to permit any vegetation to grow in a manner as to interfere with traffic signage or to obstruct the view of persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching or leaving an intersection on any city street. However, the height restriction on vegetation does not include growing gardens out of the right-of-way.

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<sup>1</sup> Municipal code references  
 Animal control: title 10.  
 Littering streets, etc.: § 16-107.

(2) It shall be unlawful for any person to allow discarded and inoperable appliances, farm, yard and garden equipment and parts thereto, used furniture not intended for outside use, or used or salvaged building materials of every kind, to be left on their property for fourteen (14) days or more.

(3) Weeds and vegetation, in addition to other provisions herein provided, does not include trees and horticultural shrubs on one's property. (Ord. #735-12-2008, Feb. 2009)

**13-102. Notice to clean up premises.** Whenever a person violates the provisions of § 13-101, the city manager or his designated representative shall have notice mailed by first class mail, to the last known address of the person having control over the offending premises, as well as the title owner of the property, as shown by the current year's tax assessment, under which notice shall state as follows:

(1) You are hereby notified that the premises under your control, being (property description), has been found to be in an unsanitary, unhealthy and unclean condition. You are directed by the City of Savannah, Tennessee, to remove all accumulation of garbage, trash and rubbish, and cut all weeds and vegetation back to a height of no more than six inches (6") within the next ten (10) days, and at your own expense.

(2) Upon failure, refusal, or neglect of any owner or possessor of property, lots or lands within ten (10) days thereof, the street department or contractor hired by the city upon notice from the city manager is hereby authorized and directed to enter upon your property and remove all garbage, trash and rubbish, and cut all weeds, and said owner or possessor of property will be charged at the cost of fifty dollars (\$50.00) per employee hour for the work performed by city employees or the actual cost from a contractor hired by the city. In addition thereto, said owner or possessor of property will be charged ten percent (10%) interest on total said bill. The minimum charge for any action performed by the City of Savannah in action due to this chapter shall be one hundred dollars (\$100.00).

(3) Until such charges are paid by you, the above described property shall be subject to a lien in favor of the City of Savannah, which lien shall be superior to all other liens except tax liens.

(4) It is hereby declared to be a public nuisance for persons to allow to remain on his or her property for one hundred twenty (120) days, burned or destroyed buildings or residences of every kind or character, whether said dwellings were accidentally or intentionally burned or destroyed by said owner or others, as it is deemed to be against the public safety and welfare for such condition to exist in Savannah. In addition to other remedies herein provided, said city may abate said public nuisance in a court of competent jurisdiction in Hardin County, Tennessee, and said owner shall be liable for all cost instant thereto, including reasonable attorneys' fees for such abatement of such public nuisance if said nuisance is abated and the city is granted relief of any kind. (1988 Code, § 8-202, as amended by Ord. #669-8-2004, Oct. 2004, and Ord. #735-12-2008, Feb. 2009)

**13-103. Failure to comply with notice; city to make removal; charge for removal.** Upon failure to comply with the notice as set out in § 13-102, within ten (10) days (Sundays and holidays excluded), the city shall enter upon said premises and shall remove any accumulation of garbage, trash and rubbish, and shall cut all weeds to the stated height. The person owning such premises, will be charged the actual cost of such removal, plus a charge of ten percent (10%) interest. (1988 Code, § 8-203)

**13-104. City to have a lien on property until charges are paid.** Until all such charges as described in § 13-105 are paid, including any attorney's fees for cost of collection, such property shall be subject to a lien in favor of the City of Savannah. Such lien shall be superior to all other liens except tax liens. (1988 Code, § 8-204)

**13-105. Collection of costs and attorney's fees.**

(1) The city manager or his designee, immediately after the work is performed, will prepare a bill of costs for the work done. The bill of costs will then be turned over to the city recorder who shall then immediately bill the owner as shown on the tax assessor's records, for the amount of the costs incurred by the city for such removal of trash and garbage and/or clearing of the property. The city recorder may certify, or turn over the to the city attorney for collection, all unpaid or uncollected bills of cost for the removal of trash and cutting of weeds, and the city attorney shall have the right to file suit or take such other steps as may be necessary for collection, and person will owe in addition to the amount of the debt, two hundred fifty dollars (\$250.00) attorney's fee, and all court costs.

(2) All uncollected bills for removal of trash and weeds, as provided herein, for each year, and all costs, will be deemed a special tax to be collected as other general taxes are collected by the City of Savannah. (1988 Code, § 8-205, as amended by Ord. #735-12-2008, Feb. 2009)

**13-106. Additional remedy.** The procedures for the clean-up of premises outlined in §§ 13-102 through 13-105 shall be an additional and separate remedy available to the city to enforce the provisions of § 13-101. It shall also be unlawful for any person to violate the provisions of § 13-101, which violation shall be punishable under the general penalty provisions of this code of ordinances. (1988 Code, § 8-206)

**13-107. Smoke, soot, cinders, etc.** It shall be unlawful for any person to permit or cause the escape of such quantities of 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. (1988 Code, § 8-207)

**13-108. Trucks, trailers, etc., used to carry animals and/or fowls.**

(1) It shall be unlawful for any person to park or leave standing any truck,

trailer, semi-trailer, or motor vehicle that has been used to transport any animal, which shall include cattle, horses, sheep, goats, swine, pigs, hogs, or other domestic animals and/or poultry, which shall include chickens, ducks, geese, and other poultry, within one thousand feet (1,000') of any residence or building used as a residence without having first thoroughly washed the same with water and disinfected the same with a disinfectant and deodorant, so as to remove therefrom all excretions from such fowl or animal, and to remove therefrom all refuse, decaying food, manure, and all other substance that might give off an offensive odor or create an unsanitary condition.

(2) It shall be unlawful for any person to leave coops, cages, or containers in which has been housed or shipped any fowl or domestic animal, as defined above, nearer than one thousand feet (1,000') from any residence or building used for human habitation, without having cleaned said coop, cage, or containers, as provided in this section. (1988 Code, § 8-208)

**13-109. Violations and penalty.** It shall be unlawful to violate any provision of this chapter, which violation shall be punishable under the general penalty provisions of this code of ordinances. (1988 Code, § 8-209)



## CHAPTER 2

### JUNKED MOTOR VEHICLES, JUNK YARDS

#### SECTION

- 13-201. Definitions.
- 13-202. Presence of junked motor vehicles a public nuisance.
- 13-203. Order to remove junked motor vehicles.
- 13-204. Removal by city of junked motor vehicles.
- 13-205. Exemptions.
- 13-206. Junk yards.
- 13-207. Violation and penalty.

**13-201. Definitions.** For the purpose of this chapter, the following terms, phrases, words, and their deviations shall have the meaning given herein. When not inconsistent with the context herein, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number shall include the plural.

(1) “Bona fide antique” is any vehicle possessing a valid antique designated state license plate.

(2) “Junked motor vehicle” is any motor vehicle, the condition of which is any one or more of the following:

- (a) Wrecked;
- (b) Dismantled;
- (c) Inoperative due to mechanical defects;
- (d) Inoperative due to the lack of valid state license plate;
- (e) Abandoned; or
- (f) Discarded.

(3) “Motor vehicle” is any vehicle which is self-propelled and any device in, upon or by which any person or property is or may be transported or drawn from one location to another, except devices moved only by human power or used exclusively upon stationery rails or tracks. (Ord. #735-12-2008, Feb. 2009)

**13-202. Presence of junked motor vehicles a public nuisance.** The location or presence of any junked motor vehicle on a lot, tract or parcel of land or portion thereof occupied or unoccupied, improved or unimproved, within the City of Savannah, Tennessee, shall be deemed a public nuisance, and it shall be unlawful for any person or other legal entity to cause, maintain or permit such public nuisance by wrecking, dismantling, rendering inoperable, abandoning, or discarding a motor vehicle or vehicles on the property of another, or to suffer, permit or allow the same to be placed, located, maintained, or to exist upon real property belonging to such party. However, this section shall not apply to the following:

- (1) Any junked motor vehicle in a completely enclosed building.
- (2) Any junked motor vehicle in an appropriate storage place or depository maintained in an officially designated place and manner by the City of Savannah, Tennessee. (1988 Code, § 8-302)

**13-203. Order to remove junked motor vehicles.** Whenever any junked motor vehicle is found within the City of Savannah in violation of this chapter, the city recorder or his duly authorized representatives shall cause the owner or occupant of the premises on which such vehicle is located to be served with an order to remove such vehicle within ten (10) days after service of such order. It shall be unlawful for the owner or occupant of the premises to fail, neglect or refuse to obey such order within ten (10) days after service of same. (1988 Code, § 8-303)

**13-204. Removal by city of junked motor vehicles.** If the premises on which a junked motor vehicle is located contrary to this chapter are unoccupied and the owner or agent thereof cannot be found, or by permission of the owner of the premises, the city recorder or his duly authorized representative shall abate such public nuisance by entering upon the property and impounding and taking into custody the motor vehicle in question and disposing of same in accordance with and as authorized by Tennessee Code Annotated, §§ 55-16-101 to 55-16-109. Such impoundment and disposition shall not relieve any person or party from liability for penalty upon conviction for violating other provisions of this chapter, but is in addition to any other penalty. (1988 Code, § 8-304)

**13-205. Exemptions.** The provisions of this chapter shall not apply to the following:

- (1) Motor vehicles in operable condition and specifically adapted or constructed for racing or operation on privately owned drag strips or raceways.
- (2) Motor vehicles retained by the owner for bona fide antique collection purposes rather than for salvage or transportation.
- (3) Unlicensed and/or uninsured but otherwise operable motor vehicles stored, with the permission of the property owner, owned by a member of the armed forces of the United States who is on active duty assignment. (1988 Code, § 8-305, as amended by Ord. #735-12-2008, Feb. 2009)

**13-206. Junk yards.** All junk yards within the corporate limits shall be operated and maintained subject to the following regulations:

- (1) All junk stored or kept in such yards within the corporate limits shall be operated and maintained subject to the following regulations:
- (2) All such junk yards shall be enclosed within close fitting plank or metal solid fences touching the ground on the bottom and being not less than six feet (6') in height, such fence to be so built as that it will be impossible for stray cats and/or stray dogs to have access to such junk yards.
- (3) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. (1988 Code, § 8-306)

**13-207. Violation and penalty.** Any person, corporation or other legal entity violating this chapter upon conviction thereof shall be punished according to the general penalty provision of this code of ordinances.

If said city elects to remedy a violation of this ordinance by the use of civil relief, and said city is successful in said relief, any person, corporation or other legal entity will pay seven hundred fifty dollars (\$750.00) attorney's fees and all court costs incident thereto. (1988 Code, § 8-307)

## CHAPTER 3

### SLUM CLEARANCE

#### SECTION

- 13-301. Findings of board.
- 13-302. Definitions.
- 13-303. "Public officer" designated; powers.
- 13-304. Initiation of proceedings; hearings.
- 13-305. Orders to owners of unit structures.
- 13-306. When public officer may repair, etc.
- 13-307. When public officer may remove or demolish.
- 13-308. Lien for expenses; sale of salvaged materials; other powers not limited.
- 13-309. Basis for a finding of unfitness.
- 13-310. Service of complaints or orders.
- 13-311. Enjoining enforcement of orders.
- 13-312. Additional powers of public officer.
- 13-313. Powers conferred are supplemental.
- 13-314. Structures unfit for human habitation deemed unlawful.

**13-301. Findings of board.** Pursuant to Tennessee Code Annotated, § 13-21-101, et seq., the board of commissioners finds that there exists in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city. (Ord. #736-1-2009, March 2009)

**13-302. Definitions.**

(1) "Dwelling" means any building or structure, or part thereof, used and occupied for human occupation or use or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

(2) "Governing body" shall mean the board of commissioners charged with governing the city.

(3) "Municipality" shall mean the City of Savannah, Tennessee, and the areas encompassed within existing city limits or as hereafter annexed.

(4) "Owner" shall mean the holder of title in fee simple and every mortgagee of record.

(5) "Parties in interest" shall mean all individuals, associations, corporations and others who have interests of record in a dwelling and any who are in possession thereof.

(6) "Place of public accommodation" means any building or structure in which goods are supplied or services performed, or in which the trade of the general public is solicited.

(7) "Public authority" shall mean any housing authority or any officer who is in charge of any department or branch of the government of the city or state relating to health, fire, building regulations, or other activities concerning structures in the city.

(8) "Public officer" means the city manager or his designated agent of a municipality or the executive director or other chief executive officer of any commission or authority established by such municipality or jointly with any other municipality who is authorized by this chapter to exercise the power prescribed herein and pursuant to Tennessee Code Annotated, § 13-21-101, et seq.

(9) "Structure" means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation. (Ord. #736-1-2009, March 2009)

**13-303. “Public officer” designated; powers.** There is hereby designated and appointed a “public officer” to be the city manager of the city or his designated agent, to exercise the powers prescribed by this chapter, which powers shall be supplemental to all others held by the city manager or his designated agent. (Ord. #736-1-2009, March 2009)

**13-304. Initiation of proceedings; hearings.** Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the city charging that any structure is unfit for human occupancy or use, or whenever it appears to the public officer (on his own motion) that any structure is unfit for human occupation or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest of, such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint; and the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer. (Ord. #736-1-2009, March 2009)

**13-305. Orders to owners of unfit structures.** If, after such notice and hearing as provided for in the preceding section, the public officer determines that the structure under consideration is unfit for human occupation or use, he shall state in writing his finding of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

(1) If the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure (not exceeding fifty percent (50%) of the reasonable value), requiring the owner, within the time specified in the order, to repair, alter, or improve such structure to render it fit for human occupation or use or to vacate and close the structure for human occupation or use; or

(2) If the repair, alteration or improvement of said structure cannot be made at a reasonable cost in relation to the value of the structure (not to exceed fifty percent (50%) of the value of the premises), requiring the owner within the time specified in the order, to remove or demolish such structure. (Ord. #736-1-2009, March 2009)

**13-306. When public officer may repair, etc.** If the owner fails to comply with the order to repair, alter, or improve or to vacate and close the structure as specified in the preceding section hereof, the public officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed; and the public officer may cause to be posted on the main entrance of any dwelling so closed a placard with the following words: "This building is unfit for human occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful." (Ord. #736-1-2009, March 2009)

**13-307. When public officer may remove or demolish.** If the owner fails to comply with an order, as specified above, to remove or demolish the structure, the public officer may cause such structure to be removed and demolished. (Ord. #736-1-2009, March 2009)

**13-308. Lien for expenses; sale of salvaged materials; other powers not limited.** The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer, as well as reasonable fees for registration, inspections and professional evaluations of the property, shall be assessed against the owner of the property, and shall, upon the certification of the sum owed being presented to the municipal tax collector, be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the municipal tax collector or county trustee at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes as set forth in Tennessee Code Annotated, §§ 67-5-2010 and 67-5-2410. In addition, the municipality may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The municipality may bring one (1) action for debt against more than one or all of the owners of properties against whom said costs have been assessed, and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. If the structure is removed or demolished by the public officer, the public officer shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the chancery court of county by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by

final order or decree of such court. Nothing in this section shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (Ord. #736-1-2009, March 2009)

**13-309. Basis for a finding of unfitness.** The public officer defined herein shall have the power and may determine that a structure is unfit for human occupation and use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants or users of such structure, the occupants or users of neighboring structures or other residents of the City of Savannah. Such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation disrepair; structural defects; or uncleanness. (Ord. #736-1-2009, March 2009)

**13-310. Service of complaints or orders.** Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons, either personally or by registered mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper of general circulation. In addition, a copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the Register's Office of Hardin County, Tennessee, and such filing shall have the same force and effect as other lis pendens notices provided by law. (Ord. #736-1-2009, March 2009)

**13-311. Enjoining enforcement of orders.** Any person affected by an order issued by the public officer served pursuant to this chapter may file a bill in chancery court for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon the filing of such suit, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that within sixty (60) days after the posting and service of the order of the public officer, such person shall file such bill in the court. The remedy provided herein shall be the exclusive remedy and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of noncompliance by such person with any order of the public officer. (Ord. #736-1-2009, March 2009)

**13-312. Additional powers of public officer.** The city manager, in order to carry out and effectuate the purposes and provisions of this chapter, shall have the following powers in addition to those otherwise granted herein:

- (1) To investigate conditions of the structures in the city in order to determine which structures therein are unfit for human occupation or use;
- (2) To administer oaths, afflictions, examine witnesses and receive evidence;
- (3) To enter upon premises for the purpose of making examination, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
- (4) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter; and
- (5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (Ord. #736-1-2009, March 2009)

**13-313. Powers conferred are supplemental.** This chapter shall not be construed to abrogate or impair the powers of the city with regard to the enforcement of the provisions of its charter of any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by the charter and other laws. (Ord. #736-1-2009, March 2009)

**13-314. Structures unfit for human habitation deemed unlawful.** It shall be unlawful for any owner of record to create, maintain or permit to be maintained in the city structures which are unfit for human occupation due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety and morals, or otherwise inimical to the welfare of the residents of the city. Violations of this section shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense. (Ord. #736-1-2009, March 2009)



## TITLE 14

### ZONING AND LAND USE CONTROL<sup>1</sup>

#### CHAPTER

1. MUNICIPAL PLANNING COMMISSION.
2. GENERAL PROVISIONS RELATING TO ZONING.
3. GENERAL PROVISIONS.
4. ESTABLISHMENT OF DISTRICTS.
5. PROVISIONS GOVERNING RESIDENTIAL DISTRICTS.
6. PROVISIONS GOVERNING BUSINESS DISTRICTS.
7. PROVISIONS GOVERNING FLOODWAY DISTRICTS.
8. PROVISIONS GOVERNING INDUSTRIAL DISTRICTS.
9. SPECIAL PROVISIONS.
10. SIGN REGULATIONS.
11. DEFINITIONS.
12. EXCEPTIONS AND MODIFICATIONS.
13. ENFORCEMENT.
14. BOARD OF ZONING APPEALS.
15. AMENDMENT.
16. LEGAL STATUS PROVISIONS.
17. MOBILE HOMES, PARK; TRAVEL TRAILERS, PARKS.
18. HISTORIC ZONING COMMISSION.

#### CHAPTER 1

### MUNICIPAL PLANNING COMMISSION

#### SECTION

- 14-101. Creation.
- 14-102. Membership.
- 14-103. Organization, rules, staff, and finances.
- 14-104. Powers and duties.

**14-401. Creation.** In order to guide and establish a coordinated and harmonious development of the City of Savannah, promote public health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development, there is hereby created and established

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<sup>1</sup>Chapters 2-16 of this title comprise the zoning ordinance for the City of Savannah, which is Ord. #200 as amended. Reference to this ordinance within the text of the chapters 2-16 is denoted by the use of a capital "O" to distinguish it from references in its text to other ordinances, which are denoted with a small "o."

a municipal planning commission as authorized by Tennessee Code Annotated, § 13-4-101, et seq., and which commission shall be organized and empowered as in this chapter set out, and as provided by law. (1988 Code, § 11-101)

**14-102. Membership.** The planning commission hereby created shall be known as the Municipal Planning Commission of the City of Savannah, and shall consist of five (5) members. One (1) of the members shall be the Mayor of the City of Savannah or a person designated by the mayor, and whose term of office shall be concurrent with his term as a member of the board of commissioners. The three (3) remaining members shall be citizens of the City of Savannah, and shall be appointed by the mayor. The term of the three (3) appointive members shall be for three (3) years each. All members shall serve without compensation. The three (3) appointed members shall be eligible to succeed themselves but not more than two (2) terms. Members who serve two (2) consecutive terms are ineligible for reappointment for a period of one (1) term of three (3) years, except that in the appointment of the first planning commission under the terms of this chapter, one (1) member shall be appointed for a term of one (1) year, one (1) for a term of two (2) years, and one (1) for a term of three (3) years. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor, who shall have the authority to remove any appointive member at his pleasure. (1988 Code, § 11-102)

**14-103. Organization, rules, staff, and finances.** The municipal planning commission shall elect a chairmen from the appointive members. The term of the chairmen shall be one (1) year, with eligibility for re-election. The commission shall adopt such rules and regulations, for the transactions, findings, and determinations as may be reasonably necessary or proper for the transaction of its business, which shall be public records, and the planning commission shall keep a record of its proceedings. The commission may appoint and select such employees and staff as it may deem necessary for its work, and may contract with city planners and other consultants for such advice and services as may be required. The expenditures of the commission, exclusive of gifts, shall be within the amounts appropriated for that purpose by the board of commissioners. (1988 Code, § 11-103)

**14-104. Powers and duties.** The municipal planning commission shall as soon as convenient after the adoption of this chapter and the election of the commissioners, meet and organize, by the election of the chairmen, as herein provided for, and from and after that time the commission shall have organized and adopted rules and regulations for its procedure, then said commission shall have all powers, duties, and responsibilities as set forth in Tennessee Code Annotated, title 13 and any and all subsequent laws that may be adopted with reference to its procedure, then said commission shall have all powers, duties and responsibilities set forth in Tennessee Code Annotated, title 13 and any and all subsequent laws that may be adopted with reference to municipal planning commissions, and all other acts relating to the duties and powers of municipal planning commissions now in force or that may hereafter or subsequently be adopted. (1988 Code, § 11-104)

## CHAPTER 2

### GENERAL PROVISIONS RELATING TO ZONING

#### SECTION

14-201. Authority.

14-202. Title.

14-203. Purpose.

**14-201. Authority.** An ordinance in pursuance of the authority granted by Tennessee Code Annotated, §§ 13-7-201 through 13-7-210, and for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare; to provide for the establishment of districts of zones within the corporate limits of Savannah, to regulate within such districts the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot which may be occupied, the sizes of yards, courts and other open spaces, the density of populations, the uses of buildings, structures and land for trade, industry, residence recreation, public activities and other purposes to provide methods of administration of this ordinance and to prescribe penalties for the violation thereof.

**14-202. Title.** The ordinance shall be known and may be cited as the Zoning Ordinance of Savannah, Tennessee, and the map herein referred to which is identified by the title, “Official Zoning Map, Savannah, Tennessee” and all explanatory matters thereon are hereby adopted and made a part of this ordinance. The official zoning map shall be located in the city hall and shall be identified by the signature of the mayor attested by the city recorder. The official zoning map may be amended under the procedures set forth in chapter 14 of the title provided, however, that no amendment of the official zoning map shall become effective until after such change and entry has been made on said map and signed by the mayor and attested by the city recorder. (1988 Code, § 11-201)

**14-203. Purpose.** The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety morals, and the general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of populations to facilitate the adequate provisions of transportation, water sewerage, schools, parks and other public requirements.

They have been made with reasonable consideration among other things, as the character of each district and its peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city. (1988 Code, § 11-202)

## CHAPTER 3

### GENERAL PROVISIONS

#### SECTION

- 14-301. Purpose.
- 14-302. Zoning affects every building and use.
- 14-303. Non-conforming uses and structures.
- 14-304. Erection of multiple, principal structure on a single lot.
- 14-305. Reduction in lot area prohibited.
- 14-306. Required yard cannot be used by another building.
- 14-307. Rear yard abutting a public street.
- 14-308. Obstruction to vision at street intersection prohibited.
- 14-309. Off-street automobile storage.
- 14-310. Off-street loading and unloading space.
- 14-311. Access control.
- 14-312. Location of accessory buildings.
- 14-313. Adult oriented businesses.
- 14-314. Telecommunications tower regulations.
- 14-315. Standards for automobile repair, services, and garages, appliance stores, building materials and furniture establishments.

**14-301. Purpose.** For the purpose of this ordinance there shall be certain general provisions which shall apply to the city as a whole as follows.

**14-302. Zoning affects every building and use.** No builder or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, whether operated for or without compensation. (1988 Code, § 11-301)

**14-303. Non-conforming uses and structures.**

(1) In the event that a zoning change occurs in any land area where such land area was not previously covered by any zoning restrictions of the City of Savannah, or where such land area is covered by zoning restrictions of the City of Savannah and such zoning restrictions differ from zoning restrictions imposed after the zoning change, then any industrial, commercial, business establishment or residential structure in operation, permitted to operate under zoning regulations or exceptions thereto prior to the zoning change shall be allowed to continue in operation and be permitted; provided, that no change in the use of the land or structure that would result in a two digit reclassification per the "Standard Land Use Coding Manual" is undertaken by such industry, business or residence.

(2) Except as further specified herein, any industrial, commercial or other business establishments in operation and permitted to operate under zoning regulations or exceptions thereto in effect immediately preceding a change in zoning shall be allowed to expand operations and construct additional facilities or be

allowed to destroy present facilities and reconstruct new facilities necessary to the conduct of such industry or business subsequent to the zoning change. Such actions shall involve an actual continuance and expansion of the activities of the industry or business which were permitted and being conducted prior to the change in zoning; provided, that there is a reasonable amount of space for such expansion or rebuilding on the property owned by such industry or business and provided, that no destruction and rebuilding or addition shall occur which shall act to change the use classification of the land or structure in effect immediately prior to or subsequent to a change in the zoning of the land area on which such industry or business is located. Change of use classification shall be determined as a change that would result in a two digit reclassification per the "Standard Land Use Coding Manual." These same provisions shall also apply to residential use. Except as further specified herein, no building permit or like permission for construction or landscaping shall be denied to an industry, business or resident seeking to expand or rebuild and continue activities conducted by or within that industry, business or residential structure which were permitted prior to the change in zoning; provided, that there is a reasonable amount of space for such expansion or rebuilding on the property owned by such industry, business or resident situated within the area which is affected by the change in zoning, so as to avoid nuisances to adjoining landowners.

(3) The provisions of subsection (2) above apply only to land owned and in use by such affected business or residence at the time the non-conformity was established, and do not operate to permit expansion of an existing industry, business or residence through the acquisition of additional land.

(4) Subsection (2) above does not apply to non-conforming residential structures consisting of factory manufactured mobile homes constructed as a single self-contained unit and mounted on a single chassis as further defined under Tennessee Code Annotated, § 68-126-202(4), (6) and (7) and shall not be expanded or replaced upon removal from the premises which they had existed and any subsequent use of said premises shall be in compliance with the provisions of this ordinance except that such factory manufactured mobile home may be replaced provided all of the following conditions are met:

- (a) Must be approved by the board of zoning appeals.
- (b) The mobile home is owner occupied.
- (c) The property upon which the mobile home is situated is owned by the occupant.
- (d) The mobile home is replaced within seven (7) days of its removal.

(5) For the purpose of these regulations, non-conforming uses and structures seeking to expand or rebuild under subsection (2) above shall be deemed to have a "reasonable amount of space" if the proposed expansion or replacement structure on the existing premises can meet current applicable yard setback standards of the district in which it is located.

(6) Any non-conforming use which ceases to continue to operate for a period of two (2) years shall be deemed with current zoning provisions established herein. (1988 Code, § 11-302, as amended by Ord. #717-1-2008, April 2008)

**14-304. Erection of multiple, principal structure on a single lot.** In any district more than one (1) structure housing a permitted or permissible principal use may be erected on a single lot, provided that each such structure shall be located on the lot in such a fashion that the structure and surrounding land could be subdivided into a separate lot meeting all zoning and subdivision regulation requirements, including but not limited to setbacks and frontage on a public street. This section shall not apply to multi-family developments having separate clusters of housing units, nor shall this section apply to shopping centers developed as an integrated whole. (1988 Code, § 11-303)

**14-305. Reduction in lot area prohibited.** No lot even though it may consist of one (1) or more adjacent lots of record shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose. (1988 Code, § 11-304)

**14-306. Required yard cannot be used by another building.** No part of a yard or other open space required about any building for the purpose of complying with the provisions of these regulations shall be included as a part of a yard or other open space required under these regulations for another building. (1988 Code, § 11-305)

**14-307. Rear yard abutting a public street.** When the rear yard of a lot abuts a public street, all structures built in that rear yard shall observe the same setback from the street line, centerline of the street, or property line as required for adjacent properties which front on that street. In addition, any structure located within twenty-five feet (25') of that setback line shall be no closer to any side property line than the distance required for side yards on adjoining properties fronting on that street. (1988 Code, § 11-306)

**14-308. Obstruction to vision at street intersection prohibited.** On a corner lot not in a B-3 (Central Business) District, within the area formed by the center lines of the intersecting or intercepting street and a line joining points on such center lines at a distance of ninety feet (90') from their intersection, there shall be no obstruction to vision between a height of two and one-half feet (2 ½') and a height of ten feet (10') above the average grade of each at the center line thereof. The requirements of this section shall not be construed to prohibit any necessary retaining wall. (1988 Code, § 11-307)

**14-309. Off-street automobile storage.** (1) There shall be provided, at the time of the erection of any building or structure, or at the time any main building or structure is enlarged or increased in capacity by or before conversion from one zone use or occupancy to another, permanent asphalt or equal striped off-street parking space of at least two hundred (200) square feet (ten feet by twenty feet (10' x 20')) per space with vehicular access to a street or alley for the specific uses as set forth below. For lots with no access to either a public or private alley,

the city reserves the right to control ingress and egress over private right-of-way. Off-street parking space shall be deemed to be required open space associated with the permitted use and shall not hereafter be reduced or encroached upon in any manner.

- (a) Dwelling. No less than one (1) space for each dwelling plus two (2) spaces for each family unit, townhouse, condominium or apartment, or mobile home space in a mobile home park.
- (b) Boarding houses rooming houses. Not less than one (1) space for each room or unit offered for tourist accommodations.
- (c) Tourist accommodations. Not less than one (1) space for each room or unit offered for tourist accommodations.
- (d) Manufacturing or other industrial building or use. Not less than one (1) space for each two (2) persons employed computed on the basis of total number of employees on the two (2) largest consecutive shifts. In addition, there shall be provided vehicle storage or standing space for all vehicles used directly in the conduct of such office or industrial use.
- (e) Retail uses. In all business districts, except a B-3 (Central Business) District, not less than one (1) space for each four hundred (400) square feet of store sales area.
- (f) Theaters, auditoriums, stadiums, churches, or other use designed to draw an assembly of persons. Not less than one (1) space for each five (5) seats provided in such place of assembly, except in a B-3 (Central Business) District.
- (g) Public building. Not less than one (1) space for each two hundred (200) square feet of total floor area of all floors in building except basement, except in a B-3 (Central Business) District.
- (h) Medical offices. Five (5) patients' parking spaces per staff doctor, plus two (2) per three (3) employees, plus one (1) per staff doctor.
- (i) Funeral homes. One (1) space for each company vehicle plus one (1) space for each three (3) seats in meeting room.
- (j) Office building excluding medical offices. See "public building."

(2) Parking space maintained in connection with an existing and continuing main building or structure on the effective date of this ordinance up to the number required by this ordinance shall be continued and may not be counted as serving a new structure or addition, nor may any parking space be substituted for a loading space, nor any loading space substituted for a parking space.

(3) If off-street parking space required above cannot be reasonably provided on the same lot on which the principal use is conducted, the board of zoning appeals may permit such space to be provided on other off-street property provided such space lies within four hundred feet (400') of the main entrance to such principal use.

Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

(4) Elderly congregate living and elderly assisted living facilities, as defined by this ordinance. Off street parking shall be provided on the same lot as the congregate living or assisted living units, but not in the required front, side or rear perimeter yards. The following minimums shall be required:

- (a) Elderly congregate living. One (1) space for each dwelling unit, plus one additional space for each employee or staff member.
- (b) Elderly assisted living. One-half (1/2) space for each assisted care living unit, plus one (1) additional space for each employee or staff member. (1988 Code, § 11-308)

**14-310. Off-street loading and unloading space.** Every building or structure used for business or trade shall provide adequate space for the loading or unloading of vehicles off the street or public alley. Such space shall have access to a public alley or if there is no alley, to a public street. (1988 Code, § 11-309)

**14-311. Access control.** In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact, the following regulations shall apply:

(1) A point of access, i.e., a drive or opening for vehicles onto a street for one-way traffic shall not exceed twenty feet (20'), for two-way traffic thirty-six feet (36'). Maximum access widths of fifty feet (50') can be allowed on a case by case basis when deemed necessary by the appropriate city staff, or the planning commission, and where it is established that daily tractor-trailer traffic will be utilized.

(2) There shall be no more than two (2) points of access to any one (1) public street on a lot less than four hundred feet (400') but more than one hundred feet (100') in width. Lots less than one hundred feet (100') in width shall have no more than one (1) point of access to any one (1) public street.

(3) No point of access shall be allowed within ten feet (10') of the right-of-way of any public street intersection.

(4) Where sidewalks exist, the area existing between the street and an interior parking space or driveway parallel to the street shall have a curb of at least six inches (6") in height and six inches (6") in width separating the parking area from the sidewalk to prevent encroachment of vehicles onto the sidewalk area.

(5) No curbs on city streets or right-of-way shall be cut or altered without written approval of the building inspector.

(6) Cases requiring variances relative to this action, and hardships not caused by the property owner, shall be heard and acted upon by the board of zoning appeals, provided, further, that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly into a public street.

(7) Access control on property abutting state or federal highways shall be governed by official regulations of the Tennessee Department of Highways or the provisions of this ordinance whichever is higher. (1988 Code, § 11-310)



**14-312. Location of accessory buildings.**

(1) No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty percent (30%) of any required rear yard, and shall be at least five feet (5') from all lot lines and from any other building on the same lot.

(2) Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets. (1988 Code, § 11-311)

**14-313. Adult oriented businesses.** For the purposes of this ordinance, adult oriented businesses as defined in chapter 11 of this title shall be permitted only in the districts and under such conditions where specifically permitted by the district provisions contained herein.

**14-314. Telecommunication tower regulations.**

(1) Purpose - The purpose of this section is to protect the health and enhance the safety of the residents of the City of Savannah by providing provisions relative to controlling the height, number and light emission of telecommunication towers in the City. (Ord #810-4-2015, May 2015)

(2) Applicability - All new telecommunication towers which are defined as any system of wires, poles, rods, reflecting discs, or similar devices that exceed a height of 20 feet, are not constructed upon a residential structure and are used for the transmission or reception of electromagnetic waves shall be required to submit a site plan for approval. (Ord #810-4-2015, May 2015)

(3) Plan Requirement - Prior to the issuance of a building permit for the construction of a tower or the utilization of an existing utility structure for telecommunications purposes, a site plan shall be submitted and reviewed in accordance with the provisions of the Site Plan Review requirements in Chapter 9, Section 11-901 "Procedure for Site Plan Review" of this ordinance and the following provisions:

- (a) All new telecommunications towers not on an existing utility structure shall show the location of the tower and accessory structure and the location of two (2) future antenna arrays and accessory structures.
- (b) A letter of intent from the owner allowing for the shared use of the tower.
- (c) A letter from a professional engineer certifying that the tower's height and design complies with these regulations and all applicable structural standards and, also, describes the tower's capacity which includes the number and type of antennas that can be accommodated.
- (d) A letter indicating why all existing towers within mile radius of the proposed tower cannot be utilized. (Ord #810-4-2015, May 2015)

(4) Permitted Uses - All telecommunications towers shall be governed by the uses permitted and uses permitted on appeals section of each district with all uses being governed by the Standard Industrial Coding Manual. (Ord #810-4-2015, May 2015)

(5) Prohibited Uses - All telecommunication towers that exceed a height of 20 feet constructed in a lattice type manner and any tower that is not specifically permitted as a use permitted or permitted on appeal the City of Savannah shall be specifically prohibited. (Ord #810-4-2015, May 2015)

(6) Accessory Uses and Structures

(a) A telecommunications tower, as defined in this section, shall not be considered as an accessory use to any permitted use or use permitted on appeal in any district in the City of Savannah. For the purpose of this section, transmission, switching and receiving buildings that provide for the operation of the tower, shall be considered as accessory uses. Any building that allows for the conduct of business or requires partial occupation by a person or persons for any part of a day shall not be considered as an accessory structure to a tower.

(b) Each antennae array may have an accessory structure. Accessory buildings or structures at the base of the power line structure or water tower shall not exceed a maximum of 20 feet by 20. Accessory buildings or structures shall not exceed one story. (Ord #810-4-2015, May 2015)

(7) Structural Requirements

(a) All new telecommunications towers not on an existing utility structure within the City of Savannah shall be designed to accommodate a minimum of 3 antennae arrays.

(b) All telecommunications towers on an existing utility structure shall be designed to accommodate a minimum of 2 antenna arrays.

(c) All new telecommunications towers, whether freestanding or on an existing utility structure shall be designed to withstand winds of a minimum of 70 miles per hour with half an inch radial ice. (Ord #810-4-2015, May 2015)

(8) Setback

(a) All telecommunications towers and accessory structures that are not constructed on an existing utility structure shall be setback from the property lines a distance equal to 20 percent of the tower height or the district yard requirements, whichever is greater. The setback shall be measured from the security fence to any surrounding property lines. **The Planning Commission may waive this requirement if the developer, through certified engineering data, can show that the fall radius for the tower does not include any property lines, roads, or existing structures.**

(b) In instances when a telecommunications tower and accessory structures are constructed adjacent to a residential district, either immediately adjacent to such property or across a public way, the minimum setback from a residential lot line or a residential district, measured from the security fence, shall be 100 percent of the tower height. **The Planning Commission may waive this requirement if the developer, through certified engineering data, can show that the fall radius for the tower does not include any property lines, roads, or existing structures.** (Ord #810-4-2015, May 2015)

(9) Co-Use of Utility Structures - The co-use of existing utility structures on the City of Savannah shall be encouraged on existing power line structures exceeding 30 feet in height and water towers. (Ord #810-4-2015, May 2015)

(10) Height - No tower shall exceed a height of 200 feet. In instances when a tower is to be located upon or within an existing utility structure, which is defined as an existing power line structure that exceeds 30 feet or an existing water tower, the maximum height shall not exceed the height of the structure plus 15 feet. **The Planning Commission may waive this requirement if the developer, through certified engineering data, can show that the fall radius for the tower does not include any property lines, roads, or existing structures.** (Ord #810-4-2015, May 2015)

(11) Shared Use - The shared use of existing towers within the City of Savannah shall be encouraged through the requirement of having all new towers designed for additional users. All proposals for a new telecommunications tower shall demonstrate, through documentation, that no existing towers within a one mile radius of the proposed tower will accommodate a new antenna array for one or more of the following reasons:

- (a) The planned antenna array equipment would exceed the structural capacity of all existing or approved towers and existing utility structures and said owners and structures cannot be upgraded at a reasonable cost.
- (b) The planned equipment would cause radio frequency (RF) interference with other existing or planned equipment.
- (c) The planned equipment would not function effectively and reasonably on an existing tower or utility structure.
- (d) Geographic service requirements would prevent the co-use of an existing tower or utility structure. (Ord #810-4-2015, May 2015)

(12) Security - All telecommunications towers, whether freestanding or on an existing utility structure, shall be fully secured through the installation of a security fence/wall system of a minimum height of 8 feet or the height of the accessory structures, whichever is greater. (Ord #810-4-2015, May 2015)

(13) Landscaping - All freestanding towers and utility structures shall have

a 4 foot wide landscaping strip around the perimeter of the security fence. The landscaping strip shall be installed for the permanent year round protection of adjacent property owners by visually shielding the contents at the base of the tower from adjoining property owners. The landscaping strip shall consist of a combination of trees, shrubs, vines and other ground covers that are expected to grow to a height of 8 feet. The landscaping provisions of this section may be varied or reduced if the proposed plan provides for unique and innovative landscaping treatment or there are existing physical features that meet the intent and purpose of this section. (Ord #810-4-2015, May 2015)

(14) Vehicle Access/Parking

(a) The location and design of driveways and/or access easements to the facility from a public street shall be depicted on the site plan and shall be approved by the Planning Commission in accordance with access control regulations within this ordinance.

(b) No parking spaces shall be required for the site since the site shall not have workers that remain at the site on a full or part-time basis. (Ord #810-4-2015, May 2015)

(15) Lighting

(a) **Towers** - All towers shall be lighted when required by the FAA (Federal Aviation Administration).

(b) Structures - Outside lighting of structures, if required for safety and security purposes, shall be of a sensory fashion in which illumination offers only when the site is approached. The lighting shall be arranged to minimize glare and reflection on adjacent properties and public streets. (Ord #810-4-2015, May 2015)

(16) Removal of Obsolete Towers - Any telecommunications tower that is no longer in use for its original purpose shall be removed at the owner's expense. The owner shall provide the Town with a copy of the notice of intent to cease operations that must be submitted to the FCC and shall be given ninety (90) days from the date of ceasing operations to remove the obsolete tower and any accessory structure(s). In the case of multiple operators sharing a single tower, this provision shall not become effective until all users cease operations. (Ord #810-4-2015, May 2015)

**14-315. Standards for Automobile repair, services, and garages, appliance stores, building materials and furniture establishments.** Storage for vehicular craft awaiting repair or vehicular craft parts, appliances such as refrigerators and stoves, used furniture, building materials, etc. shall be stored indoors or in a storage area fully screened from any public or private street and from all adjoining property by an opaque fence approved by city staff and on the same lot as the established principal use. Vehicles storage for less than 10 days shall not have to be stored within screened storage area. The area used for outdoor storage shall not exceed 5000 square feet in area nor house more than 25 vehicles.

However, automobiles service and repair facilities providing normal service and maintenance are permitted to store currently licensed and tagged vehicles in any parking space or area provided such vehicles are receiving normal service and

maintenance services such as oil changes, tune ups, tire replacement, alignment, detailing, window tinting or other similar short-term services. (Ord. #796-4-2014, May 2014)

## CHAPTER 4

### ESTABLISHMENT OF DISTRICTS

#### SECTION

14-401. Classification of districts.

14-402. Boundaries of districts.

**14-401. Classification of districts.** For the purpose of this ordinance, Savannah, Tennessee is hereby divided into eleven (11) districts, designated as follows:

R-1 Low Density Residential;  
 R-2 Medium Density Residential;  
 R-3 High Density Residential;  
 R-4 High Density Residential/Mobile Home District;

B-1 Neighborhood Business;  
 B-2 General Business;  
 B-3 Central Business District;  
 B-4 Business Professional District;

F-1 Floodway;

M-1 Light Industrial;  
 M-2 Heavy Industrial. (1988 Code, § 11-401)

**14-402. Boundaries of districts.**

(1) The boundaries of districts in § 14-401 of this chapter are hereby established as shown on the official zoning map entitled "Official Zoning Map of Savannah, Tennessee," which is a part of this ordinance and which is on file in the city hall.

(2) Unless otherwise indicated on the zoning map, the boundaries are lot lines, the center lines of streets or alleys, or the corporate limit lines as they existed at the time of the enactment of this ordinance. Questions concerning the exact locations of district boundaries shall be determined by the board of zoning appeals.

(3) Where a district boundary divides a lot as existing at the time this ordinance takes effect and the major portion of said lot is in the less restricted district, the regulations relative to that district may be extended to twenty feet (20') within the more restricted district within said lot. (1988 Code, § 11-402)

## CHAPTER 5

### PROVISIONS GOVERNING RESIDENTIAL DISTRICTS

#### SECTION

- 14-501. R-1 Low Density Residential Districts.
- 14-502. R-1A Low Density Residential Districts.
- 14-503. R-2 Medium Density Residential Districts.
- 14-504. R-3 High Density Residential Districts.
- 14-505. R-4 High Density Residential/Mobile Home Districts.
- 14-506. Planned Development Districts.

**14-501. R-1 Low Density Residential Districts.** These districts are designed to provide suitable areas for low density residential development characterized by an open appearance. The residential development will consist of single-family detached dwellings, accessory structures and attached dwellings. These districts also include community facilities, public utilities, and open uses which serve specifically the residents of these districts. Further, it is the intent of this ordinance that these districts be located so that the provision of appropriate urban services will be physically and economically feasible and so that provision is made for the orderly expansion and maintenance of urban residential development.

- (1) Uses permitted.
  - (a) Single-family detached;
  - (b) Day care centers, family day care homes and group day care homes, provided they are run by a church and on the premises of the church;
  - (c) Parks, playgrounds, and playfields;
  - (d) Accessory uses or structures customarily incidental to the above permitted uses;
- (2) Uses permitted on appeal.
  - (a) Townhouses with site plan review in compliance with chapter 9, §14-902 "Contents of the Site Plan."
  - (b) Churches;
  - (c) Schools;
  - (d) Community centers;
  - (e) Public, parochial and private non-profit libraries, museums, art galleries and observations;
  - (f) Municipal, state, federal, county uses;
  - (g) Cemeteries, provided that there is a minimum of two (2) acres;
  - (h) Telecommunications towers or structures upon approval by the board of zoning appeals and in compliance with the provisions of § 14-314, "Telecommunications Tower Requirements."
- (3) Prohibited uses. Any use not allowed by right, by accessory or by use on appeal is prohibited in the R-1 Low Density Residential Districts.
- (4) Regulations controlling lot area, lot width, yards, and building height.

- (a) Minimum required lot area. Twelve thousand (12,000) square feet.
- (b) Minimum lot width at the building line. Ninety feet (90').
- (c) Maximum height. The maximum height of a front wall or other portion of a building or other structure at the street level shall be thirty-five feet (35') above the finished grade.
- (d) Yard requirement.
  - (i) Front yards. Forty feet (40'). On double frontage lots and corner lots, there shall be front yard on each street.
  - (ii) Side yards. Ten feet (10').
  - (iii) Rear yards. Thirty feet (30').

(5) Site plan review for community facility uses. Prior to issuance of a building permit, a site plan for the use and development of the entire tract shall be submitted for review and approval in accordance with provisions contained in chapter 9 of this title. (Ord. #731-9-2008, Nov. 2008)

**14-502. R-1A Low Density Residential Districts.** These districts are designed to provide suitable areas for residential estate development characterized by an open appearance. The residential development will consist of single-family detached dwellings and accessory structures. These districts also include community facilities, public utilities and open uses which serve specifically the residents of these districts. Further, it is the intent of this ordinance that these districts will be located so that the provision of appropriate urban services will be physically and economically feasible and so that provision is made for the orderly expansion and maintenance of urban residential development.

- (1) Uses permitted.
  - (a) Single-family detached dwelling.
  - (b) Day care centers, family day care homes and group day care homes, provided that they are run by a church and on the premises of the church.
  - (c) Parks, playgrounds and play fields.
  - (d) Accessory uses or structures customarily incidental to the above permitted uses.
  - (e) Home occupations as defined and subject to the provisions of this ordinance; except beauty shops, barber shops, gift shops, florist shops and business/professional offices.
- (2) Uses permitted on appeal.
  - (a) Churches.
  - (b) Schools.
  - (c) Community centers.
  - (d) Public, parochial and non-profit libraries, museums, art galleries and observatories.
  - (e) Municipal, state, federal, and county uses.
  - (f) Cemeteries, provided that there is a minimum of two (2) acres.
  - (g) Bed and breakfast in provided the following conditions are met:



- (i) A minimum of one (1) parking space per room to be occupied by guests shall be provided for in addition to any residential parking on premises.
- (ii) The outside appearance of the dwelling unit shall maintain conformance with the general character of the neighborhood.
- (iii) A sign advertising the bed and breakfast inn shall be permitted on the lot where it is located provided that is no longer than two feet by two feet (2' X 2').
- (iv) No more than six (6) rooms shall be allowed to be used for occupancy by guests at the bed and breakfast inn.
- (v) Proprietors of the bed and breakfast inn shall also be residents of the dwelling in which it is located.
- (vi) Only permitted in the designated historic district as outlined by the 1968 general plan or any subsequently adopted general plan.
- (vii) An accurately drawn site plan shall be submitted for staff review and approval, such site plan to show the location of the principal building, off-street automobile parking, relationship to adjoining properties and surrounding land use, existing zoning of the proposed site, any required screening, and any other information as may be required by the city manager at his option.

(3) Prohibited uses. Any use not allowed by right, by accessory or byuse on appeal is prohibited in the R-1A (Low Density Residential) Districts.

(4) Regulations controlling lot area, lot width, yards and building height.

- (a) Minimum required lot area:  
Fifteen thousand (15,000) square feet
- (b) Minimum lot width at the building line:  
One hundred feet (100')
- (c) Maximum height:  
The maximum height of a front wall or other portion of a building or other structure at the street level shall be thirty-five feet (35') above the finished grade.
- (d) Yard requirements:
  - (i) Front yards  
40 feet. On double frontage lots and corner lots, there shall be a front yard on each street.
  - (ii) Side yards  
15 feet
  - (iii) Rear yards  
30 feet

(5) Site plan review for community facility uses. Prior to the issuance of a building permit, a site plan is required for the use and the development of the entire tract and shall be submitted for review and approval in accordance with provisions contained in chapter 9 of this title. (Ord. #728-9-2008, Ord. #729-9-2008, Nov. 2008, as amended by Ord. #731-9-2008, Nov. 2008, and Ord. #750-1-2010, March 2010)

**14-503. R-2 Medium Density Residential Districts. Purpose and intent.**

These districts are designed to provide suitable areas for medium density residential development where appropriate urban services and facilities are provided or where the extension of such services and facilities will be physically and economically feasible. Generally, these districts will be characterized by single-family detached dwellings, two-family dwellings (duplex), and attached dwellings.

These districts also include community facilities, public utilities, and open uses which serve the residents of these districts.

**(1) Uses permitted.**

- (a) Single-family detached;
- (b) Two-family (duplex);
- (c) Day care centers, group day care homes and family day care homes, provided they are run by a church and on the premises of the church. Parks, playgrounds and playfields.
- (d) Bed and breakfast inn provided the following conditions are met:
  - (i) A minimum of 1 parking space per room to be occupied by guests shall be provided for in addition to any residential parking on premises.
  - (ii) The outside appearance of the dwelling unit shall maintain conformance with the general character of the neighborhood.
  - (iii) A sign advertising the bed and breakfast inn shall be permitted on the lot where it is located provided that it is no longer than 2 feet by 2 feet.
  - (iv) No more than 6 rooms shall be allowed to be used for occupancy by guests at the bed and breakfast inn.
  - (v) Proprietors of the bed and breakfast inn shall also be residents of the dwelling in which it is located.
  - (vi) Only permitted the designated historic district in the 1968 General Plan.
  - (vii) An accurately drawn site plan shall be submitted for staff review and approval, such site plan to show the location of the principal building, off-street automobile parking, relationship to adjoining properties and surrounding land use, existing zoning of the proposed site, any required screening, and any other information as may be required by the city manager at his option.
  - (viii) Social gathering, i.e., bridge parties, bridal showers, teas, etc. are permitted provided there is a parking space for every two (2) guests.
- (e) Accessory uses or structures customarily incidental to the above permitted uses.
- (f) Home occupations as defined and subject to the provisions of this ordinance; except beauty shops, barber shops, gifts shops, florist shops, or business or professional offices.

**(2) Uses permitted on appeal.**

- (a) Townhouses with site plan review in compliance with chapter 9, § 14-902 "Contents of the Site Plan."
  - (b) Churches;
  - (c) Schools;
  - (d) Community centers;
  - (e) Public, parochial and private non-profit libraries, museums, art galleries and observations;
  - (g) Municipal, state and federal, county uses;
  - (h) Cemeteries, provided that there is a minimum of two (2) acres;
  - (i) Telecommunications towers or structures upon approval by the board of zoning appeals and in compliance with the provisions of chapter 3, § 14-314 "Telecommunications Tower Requirements."
- (3) Prohibited uses. Any use not allowed by right, by accessory or by use on appeal is prohibited in the R-2 Medium Density Residential Districts.
- (4) Regulations controlling lot area, lot width, yards and building height.
- (a) Minimum required lot area.
    - (i.) Single-family detached dwelling--ten thousand (10,000) square feet.
    - (ii.) Two-family (duplex) dwellings--thirteen thousand (13,000) square feet.
  - (b) Minimum lot width at the building line. Eighty feet (80').
  - (c) Maximum height. The maximum height of a front wall or other portion of a building or other structure at the street level shall be thirty-five feet (35") above the finished grade.
  - (d) Yard requirements.
    - (i) Front yards. Minimum of thirty feet (30'). On double frontage lots and corner lots, there shall be front yard on each street.
    - (ii) Side yards. Ten feet (10').
    - (iii) Rear yards. Thirty feet (30").
- (5) Site plan review for community facility uses. Prior to issuance of a building permit, a site plan for the use and development of the entire tract shall be submitted for review and approval in accordance with provisions contained in chapter 9 of this title. (1988 Code, § 11-502, as amended by Ord. #729-9-2008, Nov. 2008)

**14-504. R-3 High Density Residential Districts.** These districts are designed to provide suitable areas for high residential development where appropriate urban services and facilities are provided or where the extension of such services and facilities are provided or where the extension of such services and facilities will be physically economically feasible. Generally, these districts will be characterized by single-family detached dwellings, duplexes, and multiple family dwellings and townhouses.

These districts also include community facilities, public utilities, and open uses which serve the residents of these districts.

- (1) Uses permitted.

- (a) Single-family detached;
  - (b) Two-family (duplex);
  - (c) Multiple family;
  - (d) Townhouses;
  - (e) Day care centers, group day care homes and family day care homes, provided they are run by a church and on the premises of the church;
  - (f) Parks, playgrounds and playfields;
  - (g) Accessory uses or structures customarily incidental to the above permitted uses;
  - (h) Home occupations as defined and subject to the provisions of this ordinance; except beauty shops, barber shops, gift shops, florist shops or business or professional offices.
- (2) Uses permitted on appeal.
- (a) Churches;
  - (b) Schools;
  - (c) Community centers;
  - (d) Public, parochial, and private non-profit libraries, museums, art galleries and observations;
  - (e) Municipal state and federal, county, uses;
  - (f) Cemeteries, provided that there is a minimum of two (2) acres;
  - (g) Day care centers, group day care homes and family day care homes, not run by and on the premises of a church. Day care centers, group day care homes, and family day care homes may be permitted by the board of zoning appeals upon review and approval of a site plan which meets requirements of chapter 9 and other applicable regulations, except that the board of zoning appeals may waive the requirement of a site plan for a family day care home upon recommendation of the planning staff. The approval of the site plan and use may be subject to such conditions as the board of zoning appeals may require in order to preserve and protect the character of the district in which the proposed use is to be located. At a minimum, the day care operations approved shall meet the following requirements:
  - (h) Telecommunications towers or structures upon approval by the board of zoning appeals and in compliance with the provisions of chapter 3, § 14-314 "Telecommunications Tower Requirements."
    - (i) Lot area.
 

Day care center	20,000 sq. ft.
Group day care home	12,000 sq. ft.
Family day care home	10,000 sq. ft.
    - (ii) Fenced play area.
 

Day care center	4,000 sq. ft. plus 200 sq. ft per planned child capacity over 20 children
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Group day care home            2,400 sq. ft.

The board of zoning appeals shall also specifically address the need for setback of fenced play area and buffering of the fenced play area from other residential lots, and may require setback and/or buffering to protect adjacent residential uses. All outdoor play activities shall be conducted within the fenced play area.

The day care facilities, maintenance and operation shall meet the requirements of the Tennessee Department of Human Services and any other applicable city codes and ordinances. If a lower level of day care operation is proposed to be expanded to a higher level of day care operation with more children than initially the basis for approval, then the new operation shall need a new approval of use and site plan by the board of zoning appeals, and shall be subject to appropriate regulations.

(3) Prohibited uses. Any use not allowed by right, by accessory or use on appeal is prohibited in the R-3 Districts.

(4) Regulations controlling lot area, lot width, yards and building height.

(a) Minimum required lot area.

(i) Single-family detached—7,000 square feet;

(ii) Two-family (duplex)—9,000 square feet;

(iii) Multi-family—7,000 sq. ft. plus 2,000 for each additional dwelling unit;

(iv) Townhouses--7,000 sq. ft. plus 2,000 sq. ft for each additional dwelling unit.

(b) Minimum lot width at the building line.

(i) Single-family detached—70 feet;

(ii) Two-family (duplex)—80 feet;

(iii) Multi-family—90 feet;

(iv) Townhouses—90\*feet;

\*Lot width for entire development not for townhouse lots.

(c) Minimum distance separating buildings. The minimum distance separating buildings (end to end) shall be thirty feet (30').

(d) Maximum height. The maximum height of a front wall or other portion of a building or other structure at the street level shall be thirty-five feet (35') above the finished grade.

(e) Yard requirements.

(i) Front yards. 25\* feet \*On double frontage lots and corner lots, there shall be front yard on each street.

(ii) Side yards. 10\* feet. \*Multiple family lots shall have minimum peripheral side yards at least twenty feet (20').

(iii) Rear yards. 25\* feet. \*Multiple family lots shall have a minimum peripheral rear yard of at least twenty-five feet (25').

(5) Site plan review for community facility uses multi-family dwellings and townhouses. (a) For community facility uses, multi-family dwellings and townhouses, prior to the issuance of a building permit, a site plan for the use and development of the entire tract shall be submitted for staff review in accordance with provisions contained in chapter 9 of this title.

(6) Design standards for multi-family dwellings and townhouses.

(a) Purpose. It is the express purpose of these provisions to establish design criteria to regulate proposed development and to guide the planning commission in its review of site plans.

(b) Open space requirements. Common open space must be suitably improved for its intended use, common open space containing natural features worthy of preservation may be left unimproved. Any buildings, structures and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space, having regard for its topography and unimproved condition.

(c) Access.

(i) Every structure shall be on a lot adjacent to a public street or with access to an approved private street.

(ii) Access and circulation shall provide adequately for fire fighting equipment, service deliveries, furniture, moving vans, and refuse collection.

(iii) Adequate pedestrian access shall be provided for each dwelling.

(d) Grouped parking facilities. Off-street parking may be grouped in bays, either adjacent to streets or in the interior of blocks. Such parking areas shall generally be located in close proximity to the dwelling units they are designed to serve. At least one (1) parking space per dwelling shall be located so as to provide a maximum walking distance of two hundred feet (200') from the nearest entrance of the dwelling unit which the space is to serve. When appropriate, common driveways, parking areas, walks and steps shall be provided, maintained and lighted for night use. Screening of parking and service areas shall be encouraged through ample use of trees, shrubs, hedges and screening walls.

(e) Privacy. Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walls, and landscaping shall be provided for the protection and privacy of the occupants, and as a means of screening objectionable views or uses and of reducing noise.

(f) Walks. Street sidewalks and on-site walks shall be provided for convenient and safe access to all living units from streets driveways, parking courts, or garages and for convenient circulation and access to all facilities.

(g) Recreation areas. Adequate recreational facilities for the residents of the project shall be provided in a location which is

accessible to the living units and which does not impair the view and privacy of the living units.

Attractive outdoor sitting areas shall be provided, appropriate in size, type and number to the needs of the residents. Active recreation areas shall be provided which are appropriate for the needs of the residents. Well-equipped playgrounds of adequate size shall be provided where it is anticipated that children will occupy the premises.

(h) **Planting.** The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features. Existing trees, shrubs, evergreens and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.

(i) **Utilities.** All utilities for the proposed development must be shown on the site plan. A drainage plan must be submitted along with the site plan.

(7) **Subdivision plat requirement.** A subdivision plat for townhouse development shall be submitted to the planning commission for review and approval according to the subdivision plat review procedures of the City of Savannah prior to site plan consideration by the planning commission. Such subdivision plat shall be separate and apart from an approved site plan but shall conform in lot layout, public improvements, dedications, lot shape, and lot size to the proposed site plan and subdivision plat for a development may be approved at the same time providing that the above requirements are met. (1988 Code, § 11-503, as amended by Ord. #729-9-2008, Nov. 2008)

#### **14-505. R-4 High Density Residential/Mobile Home Districts.**

These districts are designed to provide suitable areas for development where appropriate urban services and facilities are provided or where the extension of such services and facilities will be physically and economically feasible. These districts will be characterized by all types of residential development on subdivided lots.

These districts also include community facilities, public utilities, and open uses which serve the residents of these districts.

(1) **Uses permitted.**

- (a) Single-family detached.
- (b) Two-family (duplex);
- (c) Multiple family;
- (d) Townhouses;
- (e) Mobile home parks (see mobile home park ordinance);
- (f) Day care centers, group day care homes and family day care homes, provided they are run by a church and on the premises of the church;
- (g) Parks, playgrounds and playfields;

- (h) Accessory uses or structures customarily incidental to the above permitted uses;
  - (i) Home occupations as defined and subject to the provisions of this ordinance; except beauty shops, barber shops, gift shops, florist shops or business or professional offices.
- (2) Uses permitted on appeal.
- (a) Churches;
  - (b) Schools;
  - (c) Community centers;
  - (d) Public, parochial and private non-profit libraries, museums, art galleries and observations;
  - (e) Municipal county, state and federal uses;
  - (f) Group homes;
  - (g) Cemeteries, provided that there is a minimum of two (2) acres;
  - (h) Day care centers, group day care homes and family day care homes,

not run by and on the premises of a church. Day care centers, group day care homes, and family day care homes may be permitted by the board of zoning appeals upon review and approval of a site plan which meets requirements of chapter 9 and other applicable regulations, except that the board of zoning appeals may waive the requirement of a site plan for a family day care home upon recommendation of the planning staff. The board of zoning appeals may require in order to preserve and protect the character of the district in which the proposed uses is to be located.

At a minimum, the day care operations approved shall meet the following requirements:

(h)	Lot area.	20,000 sq. ft.
	Day care center	12,000 sq. ft.
	Group day care home	10,000 sq. ft.
	Family day care home	
(ii)	Fenced play area.	4,000 sq. ft. plus
	Day care center	200 sq. ft. per planned child capacity over 20 children.
	Group day care home	2,400 sq. ft.
	Family day care home	1,400 sq. ft.

The board of zoning appeals shall also specifically address the need for setback of fenced play area and buffering of the fenced play area from other residential lots, and may require setback and/or buffering to protect adjacent residential uses. All outdoor play activities shall be conducted within the fenced play area.



The day care facilities, maintenance and operation shall meet the requirements of the Tennessee Department of Human Services and any other applicable city codes and ordinances. If a lower level of day care operation is proposed to be expanded to a higher level of day care operation with more children than initially the basis for approval, then the new operation shall need a new approval of use and site plan by the board of zoning appeals, and shall be subject to appropriate regulations.

(i) Telecommunications towers or structures upon approval by the board of zoning appeals and in compliance with the provisions of § 14 313. "Telecommunications Tower Regulations."

(2) Prohibited uses. Any use not allowed by right, by accessory or use on appeal is prohibited in the R-4 Districts.

(3) Regulations controlling lot area, lot width, yards, building coverage and building height.

(a) Minimum required lot area.

(i) Single-family detached--7,000 square feet;

(ii) Two-family (duplex)--9,000 square feet;

(iii) Multi-family--7,000 sq. ft. plus 2,000 sq. ft. per dwelling unit;

(iv) Townhouses--7,000 sq. ft. plus 2,000 sq. ft. per dwelling unit;

(v) Mobile home parks--2 acres with a minimum of 5,000 sq. ft. per mobile home unit.

(b) Minimum lot width at the building line.

(i) Single-family detached—70 feet

(ii) Two-family (duplex)--80 feet

(iii) Multi-family--90 feet

(iv) Townhouses--90 feet

(v) Mobile home parks--90 feet

(c) Maximum lot coverage. Fifty percent (50%) of the lot.

(d) Maximum distance separating buildings. The minimum distance separating buildings (end to end shall be fifty feet (50')).

(e) Maximum height. The maximum height of a front wall or other portion of a building or other structure at the street level shall be thirty-five feet (35') above the finished grade.

(g) Yard requirements.

(i) Front yards. 25 feet. \*On double frontage lots and corner lots, there shall be front yard on each street.

(ii) Side yards. 10 feet. \*Multiple family lots shall have minimum peripheral side yards at least twenty feet (20').

(iii) Rear yards. 20 feet. \*Multiple family, townhouse and mobile home park lots shall have a minimum peripheral rear yard of at least twenty-five feet (25').

(4) Site plan review for community facilities uses or multi-family townhouses and mobile home parks. For community, facility uses, multi-family dwelling, townhouses, and mobile home parks, prior to the issuance of a building

permit, a site plan for the use and development of the entire tract shall be submitted for planning commission review in accordance with provisions contained in chapter 9 of this title.

(5) Design standards for townhouses, developments/multi-family and mobile home parks.

(a) Purpose. It is the express purpose of these provisions to establish design criteria to regulate proposed development and to guide the planning commission in its review of site plans.

(b) Open space requirements. Common open space must be suitably improved for its intended use, but common open space containing natural features worth of preservation may be left unimproved. Any building, structures and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space, having regard for its topography and unimproved condition.

(c) Access.

(i) Every structure shall be on a lot adjacent to a public street or with access to an approved private street.

(ii) Access and circulation shall be provided adequately for fire fighting equipment, service deliveries, furniture, moving vans, and refuse collection.

(iii) Adequate pedestrian access shall be provided for each dwelling.

(d) Group parking facilities. Off-street parking may be grouped in bays, either adjacent to streets or in the interior of blocks. Such parking areas shall generally be located in close proximity to the dwelling units they are designed shall be located so as to provide a maximum walking distance of two hundred feet (200") from the nearest entrance of the dwelling unit which the space is to serve. When appropriate, common driveways, parking areas, walks and steps shall be provided, maintained and lighted for night use. Screening of parking and service areas shall be encouraged through ample uses of trees, shrubs, hedges and screening walls.

(e) Privacy. Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walls, and landscaping shall be provided for the protection and privacy of the occupants, and as a means of screening objectionable views or uses and reducing noise.

(f) Recreation areas. Adequate recreational facilities for the residents of the project shall be provided in a location which is accessible to the living units and which does not impair the view and privacy of the living units.

Attractive outdoor sitting areas shall be provided, appropriate in size, type and number to the needs to the residents. Active recreation areas shall be provided which are appropriate for the needs of the residents. Well-equipped playgrounds of adequate size may be provided where it is anticipated that children will occupy the premises.

(g) Walks. Street sidewalks and on-site walks shall be provided for convenient and safe access to all living units from streets driveways, parking courts, or garages and for convenient circulation and access to all facilities.

(h) Planting. The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features, existing trees, shrubs evergreen and ground coverage shall be retained to the extent that they enhance the project, are effective as a screen planning or are useful in protecting slopes.

(i) Utilities. All utilities for the proposed development must be shown on the site plan. A drainage plan must be submitted along with the site plan.

(6) Subdivision plat requirement. A subdivision plat for townhouse development shall be submitted to the planning commission for review and approval according to the subdivision plat review procedures of the City of Savannah prior to site plan consideration by the planning commission. Such subdivision plat shall be separate and apart from an approved site plan but shall conform in lot layout, public improvement dedications, lot shape, and lot size to the proposed site plan for the development. The proposed site plan and subdivision plat for a development may be approved at the same time providing that the above requirements are met. (1988 Code, § 11-504, as amended by Ord. #717-1-2008, April 2008, and Ord. #729-9-2008, Nov. 2008)

#### **14-506. Planned Development Districts.**

(1) Administration. Any request pertaining to the establishment of a PUD zoning district or changes to an existing PUD ordinance shall be considered an amendment to the zoning chapter, and shall be administered and processed in accordance with the provisions of this chapter.

(2) Purpose. The purpose of this section is to encourage the development of various type planned developments under a single master plan, where the traditional density, bulk, spacing and use regulations of all other zoning designations, which may be useful in protecting the character of substantially developed areas, may impose inappropriate and unduly rigid restrictions upon the development of parcels or areas which lend themselves to a unified, planned approach. These districts are intended to promote flexibility in site planning and structure location, to facilitate the provision of utilities and circulation systems, as well as to preserve the natural and scenic features of the parcel. All planned developments should be designed to ensure that the following general goals are achieved:

(a) The proposed development shall be of such design that will efficiently use available land and will protect and preserve, to the greatest extent possible, natural features of the land such as trees, streams, and topographic features.

(b) The development will be located in an area where transportation, police and fire protection, schools and other community facilities and public utilities, including public water and sewer service, are or will be available and adequate for the uses and densities proposed. The applicant may, where appropriate, make provisions for such facilities or utilities, which are not presently available.

(3) Statement of intent.

(a) To encourage the development of residential and/or non-residential communities which provide a full range of harmonious land uses, including multiple residential types, along with supporting recreational, religious, and educational facilities to serve residents of the district at various densities.

(b) To promote flexibility in site planning and structure location that facilitates the provision and use of efficient circulation and utility systems, and preservation of natural and scenic features, resulting in diversity of scale, style and details that foster a strong sense of community.

(c) To permit the development of such communities where there is a demand for housing, as well as supporting businesses and other services, and adequate where community facilities and infrastructure are existing or are planned in the city.

(d) To provide a mechanism for evaluating alternative zoning regulations proposed with each application on its own merit, emphasizing that these provisions are not to be used to circumvent the intent or use of conventional zoning classifications set forth in this article, but to permit innovative and creative design of communities in the City of Savannah.

(4) Regulatory effects.

(a) Consideration of a request for approval of a Planned Unit Development (PUD) is based upon submission of a concept development plan. The concept development plan consists of both visual and written representations of the proposed layout and/or design of the planned development, including alternative zoning regulations.

(b) Approval of a request to rezone a specific parcel or tract of land to Planned Unit Development (PUD) constitutes a change in the city's zoning map and zoning requirements applicable to those parcels included in the rezoning request.

(c) No action of the board of zoning appeals shall be required in the approval of a PUD or PURD.

(d) Wherever the approved concept development plan and accompanying documents conflict with provisions in the city's zoning ordinance and land development regulations, provisions of the concept development plan as approved by the city commission shall supersede. All land development requirements of the City of Savannah not specifically addressed by the concept development plan apply.

(e) Transfer of ownership of a parcel or tract of land zoned planned unit development does not invalidate the regulatory effect of the approved rezoning, including the concept development plan.

(f) No tract of land may be considered for or approved as a planned development unless such tract is under the single ownership of a landowner. For the purpose of this subchapter, a landowner may be a person, partnership, corporation, association or any other legal entity entitled to own property. The holder of a written option to purchase, a party purchaser to a contract for the sale of real property contingent upon the success of a PUD application for the property or any governmental agency shall be considered landowners for the purpose of this section. Unless otherwise provided as a condition of approval of the PUD, the landowner of an adopted PUD may divide and transfer parts of such development. The transferee shall complete each section and use and maintain it in strict conformance with the final site plan or subdivision plat.

(5) Development and staging. The expeditious construction of any planned development authorized under these provisions shall be undertaken to assist in the assurance of the full completion of the development in accordance with the approved preliminary site plan and subsequent approved final site plan.

(a) Start of development.

(i) In the absence of an approved phasing plan, an application for approval of a final site plan(s) for the entire planned development shall be submitted for review by the planning commission within two (2) years from and after the date of the action approving a preliminary site plan. Failure to comply with this provision may result in the expiration of the previously approved preliminary site plan.

(ii) Within one (1) year from and after the date of the action approving the final site plan(s), actual construction shall have commenced in such development on the property that is the subject of an approved final site plan(s). Actual construction is defined to include the placing of construction materials in a permanent position and fastened permanently or extensive grading, including demolition or removal of existing structures necessary for the development. If actual construction is not commenced within this one (1) year period, the final site plan(s), in concurrence with the preliminary site plan, may be terminated as provided herein.

(b) Completion period. The Savannah Planning Commission may recommend and the city commission may establish a reasonable period of time, which may include a phasing plan, for the completion of the planned development at the time the preliminary site plan is approved. It is contemplated that several final site plans for different portions of the property encompassed in the preliminary site plan will be submitted for approval from time to time.

(i) If the development staff determines that no actual construction has begun in the planned development within the time period specified herein, the city commission may in its discretion terminate the final site plan, along with the preliminary site plan, by giving written notice to the applicant, and the final site plan, along with the preliminary site plan, shall be of no further effect.

(ii) Upon the request of the applicant and review of the recommendation of the planning commission, the city commission may extend for a reasonable time, not to exceed one (1) year, the period for the commencement of actual construction of the planned development or of the improvements contemplated by the subject final site plan. The planning commission and city commission may consider such request before or after the expiration of the time periods set forth herein. If a final site plan, along with the preliminary site plan, is terminated under the provisions of this section, the development director shall remove the planned development designation from the official zoning map as to the appropriate property and shall file a notice of revocation with the recorded preliminary site plan and final site plan. The zoning regulations applicable before the development was approved shall then be in effect as to the balance of the property encompassed within the preliminary site plan and for which no construction has commenced within the time periods provided herein.

(c) Staging of development. The city commission may elect to permit the staging of development, in which case, the following provisions shall be compiled with:

(i) Each stage shall be so planned and so related to existing surrounding and available facilities and services that failure to proceed to the subsequent stages will not have an adverse impact on the development or its surroundings at any stage of the development. The development staff shall review any proposed phasing plan and recommend to the planning commission a plan for the phasing and recommended construction of improvements, including site improvements, streets, surface and subsurface drainage, water lines, sewer lines, parking areas, landscaping, plantings and screening.

(ii) The commencement of actual construction of any stage of the planned development shall be governed by the provisions of subsection (5) (a).

(iii) After commencement of actual construction, the development director shall review all applications for building permits. Only such building permits that are in compliance with the overall development phasing program shall be issued. The

development director shall review, from time to time, the progress of all construction and compare it to the overall development phasing program. If the development director determines that the rate of construction of residential units or non-residential structures substantially differs from the phasing program, the development director may issue such orders to the developer as are deemed necessary and upon continued violation of this subsection may suspend the developer from further construction until compliance is confirmed.

(6) Modifications. All requirements included in this article may be modified by the city commission as part of approval of a planned unit development if it is found that actions, designs or solutions proposed by the applicant, although not literally in accord with applicable regulations, will satisfy public purposes to at least a comparable degree.

(7) District size and location. When mapped, a PUD district shall be located:

- (a) With limited direct access to primary transportation routes within the city;
- (b) In areas served by public water and sewer facilities; and
- (c) In areas where supporting business and other services are existing or planned (if not to be included within the proposed planned development).

(8) Community types/land use mix. The character of a planned community is to be defined by the proportional mix of land uses depicted on the approved concept development plan. The land use mix of each type of planned community should generally contain a mix comparable to the following:

(a) Planned Unit Residential Developments (PURD): Conventional neighborhoods characterized by homogeneous groupings of housing types, separation of differing land uses and a circulation network designed almost solely for the movement of motor vehicles.

(i.) Permitted uses. The following uses, and similar uses not listed, shall be permitted in an approved PURD district, provided the proportion of land uses according to the community size and character identified on the concept development plan and the general community standards.

(A) Agriculture. Land use for agricultural purposes including farming, horticulture, truck gardens and commercial nurseries; forestry and timber operations, fishing, hunting and trapping operations.

(B) Residential, single-family. Single-family detached dwellings.

(C) Residential, single-family. Duplexes, patio homes, condominiums and townhouses.

(D) Residential, multi-family. Multiplexes, townhouses, garden apartment, apartment buildings and any other multi-family structure or group of structures on a single lot.

(E) Social and cultural.

(E1) Education. Establishments providing for mental development and enlightenment of the individual, including universities and colleges, kindergartens, primary and secondary schools.

(E2) Cultural and arts centers/private clubs. Establishments providing for the mental development and enlightenment of the individual and the development of the display and the performing arts, including museums, libraries, art galleries when non-profit and rehearsal and administrative activities associated with orchestral, choral, opera, ballet, dance, theatrical and other performing arts, but not including theaters or other structures and their associated activities when operated as commercial establishments. Establishments providing instruction in music, dance, crafts and art. Private and semi-private clubs, lodges, union halls, social centers, and similar establishments.

(E3) Religion. Establishments providing for religious services and development, including churches, temples, synagogues, educational buildings and rectories.

(E4) Recreation. Places for active or passive play including playgrounds, parks, tennis courts, ball fields, swimming pools, golf courses, recreational centers and other similar establishments designed for outdoor, or a combination of indoor and outdoor, recreational activities, but not including miniature golf courses, driving ranges, indoor tennis or racquetball, or other similar establishments designed primarily to provide entertainment or recreation as a commercial enterprise.

(F) Open space. A parcel, lot or tract of land not in use and lying idle in forest, wetlands, grass or natural vegetation.

(G) Accessory uses and structures. Accompanying accessory uses and structures allowed in the categories enumerated above shall be permitted to the extent they are customarily incidental and subordinate to the



principal use of any lot within a planned development district and unrestricted by any private covenants or agreements attached to the concept development plan.

(b) Planned unit mixed development. A collection of traditional neighborhoods characterized by a mixture of various housing types, businesses and civic uses served by an interlocking grid patterns of streets and sidewalks, public parks and spaces designed to accommodate pedestrian and vehicular traffic with a full complement of services and amenities with an identifiable center of community activities and social interaction.

(i) Permitted uses. The following uses, and similar uses not listed, shall be permitted in an approved PUD district, provided the proportion of land uses according to the community size and character identified on the concept development plan and the general community standards.

(A) Agriculture. Land use for agricultural purposes including farming, horticulture, truck gardens and commercial nurseries; forestry and timber operations, fishing, hunting and trapping operations.

(B) Residential, single-family. Single-family detached dwellings.

(C) Residential, single-family attached. Duplexes, patio homes, condominiums and townhouses.

(D) Residential, multi-family. Multiplexes, townhouses, garden apartment, apartment buildings and any other multi-family structure or group of structures on a single lot.

(E) Social and cultural.

(E1) Education. Establishments providing for mental development and enlightenment of the individual, including universities and colleges, kindergartens, primary and secondary schools.

(E2) Cultural and arts centers/private clubs. Establishments providing for the mental development and enlightenment of the individual and the development of the display and the performing arts, including museums, libraries, art galleries when non-profit and rehearsal and administrative activities associated with orchestral, choral, opera, ballet, dance, theatrical and other performing arts, but not including theaters or other structures and their associated activities when operated as commercial establishments. Establishments providing instruction in music, dance, crafts and art. Private and semi-private

clubs, lodges, union halls, social centers, and similar establishments.

(E3) Religion. Establishments providing for religious services and development, including churches, temples, synagogues, educational buildings and rectories.

(E4) Recreation. Places for active or passive play including playgrounds, parks, tennis courts, ball fields, swimming pools, golf courses, recreational centers and other similar establishments designed for outdoor, or a combination of indoor and outdoor, recreational activities, but not including miniature golf courses, driving ranges, indoor tennis or racquetball, or other similar establishments designed primarily to provide entertainment or recreation as a commercial enterprise.

(F) Business, residential accommodation and food services.

(F1) Establishments providing for resort and short-term occupancy, including but not limited to hotels, motels and tourist homes, bed and breakfasts, inns, and apartment accommodations. Restaurants, newsstands, gift shops and snack bars within the principal building designed to cater primarily to the guests of the facility may be considered as accessory uses.

(F2) Recreational vehicle parks, campgrounds, and recreation and vacation camps. Parking lots, swimming pools, tennis courts, playgrounds, and laundry rooms designed to serve guests of the establishment may be developed as accessory uses.

(F3) Restaurants (excluding limited service establishments).

(F4) Rural retreats and country inns.

(G) Business, primary retail. Establishments selling commodities in small quantities to the consumer, including but not limited to, drug stores, department stores, and stores selling general merchandise and variety merchandise, such as but not limited to, clothing, jewelry, and shoes, books, flowers, hardware, food and groceries, gifts, health and personal care goods, music, cameras, luggage, optical, cigars, candy, sewing machines, picture framing, sporting goods, stationary, watches, art supplies, sporting goods and hobby supplies, furs, leather goods, pet supplies, and saving stamp stores. Servicing of goods sold to customers may be provided as an accessory use.

(H) Business, recreation. Establishments providing recreation and entertainment primarily as a commercial activity, including theaters, billiards, pool halls, bowling alleys, skating rinks, dance halls, shooting galleries, taverns, clubs, convention centers, coliseums, golf driving ranges and miniature golf, video arcades, gymnasiums, racquetball and indoor tennis centers and other similar commercial recreation activities.

(I) Business, personal services. Establishments providing services pertaining to an individual or person's apparel and personal effects, including but not limited to barber and beauty shops, Laundromats, dry cleaning and laundry pick-up, tailor, dressmaker, diet and weight reducing center, nail salons, financial institutions, photographers' studio, jewelry and watch repair, and adult and child day care centers, provided that such facilities meet the minimum rules and regulations for licensing by the Tennessee Department of Social Services.

(J) Professional offices.

(J1) Establishments of a business character which supply general needs of an intangible nature to the public without the attendant introduction of adverse environmental factors such as, but not limited to, noise increased traffic, and/or visual pollution, and including but not limited to, establishments performing the management duties in the conduct of government, business, industry, or welfare, including administrative offices of federal, state and local governments, utilities, businesses and social welfare organizations. Also, establishments engaged in providing monetary and specialized professional knowledge (except medical) such as architects, advertising agencies, legal services, credit and finance, brokers, banks, chambers of commerce, professional organizations, business consultants, photographers, management companies, administrative support services, and real estate and insurance agents;

(J2) Medical. Establishments engaged in the science and art of preventing, curing, or alleviating disease, including medical, surgical, psychiatric and dental hospitals, clinics and offices, but excluding veterinary clinics and associated uses.

(J3) Institutional. Establishments organized by the community through corporate efforts for the social care of a class or group of persons, including but not limited to homes and institutions for the deaf, blind, aged, orphaned, sanitariums; and nursing and residential care facilities.

(J4) Educational services. Establishments providing instruction and training of a highly specialized nature on a contractual basis, such as business and secretarial schools, technical and trade schools, and cosmetology schools, sports and recreation instruction and automobile driving schools. Institutions listed in Use Group 6 are not included.

(J5) Related. Establishments complementing medical and institutional operations, including but not limited to flower and gift shops, and apothecary shops located within the same building or complex as the use it complements.

(K) Business, office service. Establishments of a business character which provide specialized office needs to individuals or other businesses, including but not limited to duplicating and printing shops, addressing and mailing services, stenographic and letter writing services, and establishments providing blueprinting and film developing services.

(L) Community Services.

(L1) General government administrative offices for agencies that administer, oversee and manage public programs and activities not performed by private establishments.

(L2) Public safety facilities. Fire, police and rescue operations, including substations.

L3) Cemeteries.

(M) Open space. A parcel, lot or tract of land not in use and lying in forest, wetlands, grass or natural vegetation.

(N) Accessory uses and structures. Accompanying accessory uses and structures allowed in the categories enumerated above shall be permitted to the extent they are customarily incidental and subordinate to the principal use of any lot within a planned development district and unrestricted by any private covenants or agreements attached to the concept development plan.

(9) Maximum development densities. There are no minimum lot sizes or yard requirements. However, lot sizes and dimensions must be shown on the preliminary development plan that shall be approved by the planning commission and city commission. Development density approved shall not exceed that which can be served by adequate public facilities either existing or planned at the time of rezoning. The overall density of a proposed planned unit development shall not exceed that shown on the approved concept development plan or the following, whichever is less:

(a) Net residential densities. No more than sixteen (16) dwelling units per net acre of land area may be developed within an individual residential land bay of a proposed planned development.

(b) Non-residential density. Principal non-residential buildings and appurtenant structures and facilities, including parking areas, shall not exceed .80 times the gross land area of the lot.

(10) Buffering. A minimum fifty foot (50') perimeter buffer shall be provided to protect development from undesirable noise, light or other off-site influences.

(11) Building height. Thirty-five feet (35') for single-family detached structures. Other residential structures or non-residential buildings may be erected to a maximum height of sixty-five feet (65') if set back from streets or from lot lines that do not constitute boundaries of districts with lower maximum height restrictions, in addition to each of the required minimum yard dimensions, a distance of not less than three feet (3') for each one foot (1') of height that it exceeds the thirty-five limit and unless the entity providing fire protection service certifies either:

(a) That it can provide adequate fire protection service to a taller structure at the site in question; or

(b) That the proposed structure incorporates fire protection systems, such as sprinklers, that will provide adequate fire protection to a taller structure at the site in question.

The certification will state the maximum height to which adequate fire protection is available, and the structure may be built to this height; provided that the entity providing fire protection service shall not certify any extension in allowable height that will adversely affect the entity's or the city's ISO fire rating.

(12) Community performance guidelines.

(a) Access and circulation. Within any PUD district, the concept development plan shall provide for efficient groupings of structures, uses and facilities, served by a network of interconnected streets and sidewalks that allow for and convenient traffic flow within the district and at points of entry and exit.

(i) Each planned development community shall have direct vehicular access to at least one (1) existing roadway classified as an arterial or collector road by the TDOT, without using local streets in adjacent lower density residential neighborhoods. The design of each access point shall meet TDOT standards.

(ii) No individual use or lot created within a PUD district shall be located so as to have direct vehicular access to any public roadway classified as an arterial or collector.

(iii) Primary access and through traffic for non-residential vehicles shall be avoided to minimize impacts on residential neighborhoods. Local streets internal to a planned development shall be connected with streets outside the district in such manner that encourages the use of such internal streets by through and construction traffic.

(iv) Where environmental conditions, site size and shape permits, the developer is encouraged to use a neo-traditional grid and/or traffic calming street patterns and designs.

(b) Common open space and public facilities. The requirements of common open space and public facilities shall be in accordance with the provisions of this section.

(c) Landscaped open space. A minimum of ten percent (10%) of the total land area designated for single-family residential uses, twenty percent (20%) of the total land area designated for multi-family residential uses, and twenty-five percent (25%) of the total land area designated for non-residential uses shall be set aside as open space for the enjoyment and use of all residents. Particular care should be taken to organize landscaped open space in such a way as to maximize the visual effects of green spaces as seen from public ways.

(i) Common open space must be usable for recreational purpose or must provide visual, aesthetic environmental amenities. The uses authorized for the common open space must be appropriate to the scale and character of the planned development considering its size, density, expected population, topography and the number and type of structures to be provided.

(ii) Common open space must be suitably improved for its intended use, but open space containing natural features worthy of preservation may be left unimproved. Any buildings, structures and improvements to be located in the common open space must be appropriate to the uses which are authorized therefore and must conserve and enhance the amenities of the common open space having regard to its topography and the intended function of the common open space.

(iii) The development phasing sequence which is part of the preliminary site plan must coordinate the improvements of the common open space, the construction of the buildings, structures and improvements in the common open space, the construction of public improvements and the construction of residential dwellings in a planned residential development, but in no event shall occupancy permits for any phase of the final site plan be

issued unless and until the open space which is part of that phase has been dedicated or conveyed and improved.

(iv) No common open space of a planned residential development shall be conveyed or dedicated by the developer or any other person to any public body, homeowner's association or other responsible party unless the Savannah Planning Commission has determined that the character and quality of the tract to be conveyed make it suitable for the purpose for which it was intended. The planning commission may give consideration to the size and character of the dwellings to be construed within the planned residential development, the topography and existing trees, the ground cover and other natural features, the manner in which the open space is to be improved and maintained for recreational or amenity purposes and the existence of public parks or other public recreational facilities in the vicinity.

(v) All land shown on a plan as common space may be either:

(A) Conveyed to a public body, if the public body agrees to accept conveyance and to maintain the common open space and any buildings, structures or improvements which have been placed on it; or

(B) If the common open space is deeded to a homeowner's and/or property owners association, the developer shall file a declaration of covenants and restrictions that will govern the association to be submitted with the application for final site plan.

(c) Utilities and improvements. The planning commission and the city commission may, as a conditioned of approval and adoption and in the city commission may, as a condition of approval and adoption and in accordance with the final site plan, require that suitable areas for streets, public rights-of-way, schools, parks and other public areas be set aside, improved and/or dedicated for public use.

(i) Bond requirements for improvements. City commission, the developer, and owner, if different from the developer, must enter into a development contract with the City of Savannah Board of Mayor and Alderman relative to all required improvements. The bond or other adequate security shall be approved by the city commission as to form and content and shall be required in the amount of one hundred percent (100%) of the estimated construction cost and engineering. The security may be disbursed upon certification by the city engineer and by the city acting through the development director. The bond or other adequate security shall accompany the request for final site plan approval to insure completion of all improvements, streets, surface and subsurface drainage, water lines, sewer lines,

parking areas, landscaping, planting and screening, as recommended by the development director.

- (d) Development contract. After a final site plan is approved by the city commission. The developer, and owner, if different from the developer, must enter into a development contract with the City of Savannah Board of Mayor and Alderman relative to all required improvements. (Ord. #727-8- 2008, Oct. 2008)



## CHAPTER 6

### PROVISIONS GOVERNING BUSINESS DISTRICTS

#### SECTION

- 14-601. B-1 (Neighborhood Business) Districts.
- 14-602. B-2 (General Business) Districts.
- 14-603. B-3 (Central Business) Districts.
- 14-604. B-4 (Business Professional) Districts.

**14-601. B-1 (Neighborhood Business) Districts.** Within the B-1 (Neighborhood Business) Districts as shown on the Zoning Map of Savannah, Tennessee, the following regulations shall apply:

- (1) Uses permitted.
  - (a) Retail sales. Bakery and dairy products; book stores, camera shops; drugs and pharmaceuticals; florist shops; gift shops; groceries, hardware; and liquor stores.
  - (b) Services. Service stations; motor vehicle fuel retail outlets; banks; savings and loan associates; beauty and barber shops; funeral homes; laundry and dry cleaning facilities; medical, dental, business and professional offices; radio and television sales and service; restaurants (indoor); shoe repair; day care centers, group day care homes.
  - (c) Churches; and federal, state, and municipal, county uses.
  - (d) Advertising signs and advertising structures or lights for illuminating signs or buildings, provided that they shall not be placed within the street right-of-way nor shall they be lighted by flashing or rotating lights.
  - (e) Any accessory use or building customarily incidental to the above permitted uses.
  - (f) Telecommunications towers subject to the site plan review and in compliance with the provisions of § 14-314 "Telecommunications Tower Requirements."
- (2) Uses permitted on appeal. Any other use which in the opinion of the board of zoning appeals is similar in character and not detrimental to the neighborhood.
- (3) Uses prohibited. Any use not specifically permitted or permissible on appeal in this section.
- (4) Regulations controlling lot area, lot width, yards and building height.
  - (a) Minimum required lot area.
    - (i) Churches—15,000 sq. ft. or 200 sq. ft. or lot area per auditorium seating space whichever is greater;
    - (ii) Other uses—No minimum requirement.
  - (b) Other required lot width at building line.
    - (i) Service station and motor vehicle fuel retail outlets—120 feet;

- (ii) Churches—60 feet;
  - (iii) Other uses—No minimum requirement.
- (c) Minimum required front yard.
  - (i) Service station and motor vehicle fuel retail outlets—20 feet;
  - (ii) Churches—30 feet;
  - (iii) Other uses—25 feet.
- (d) Minimum required rear yard,
  - (i) All uses—20 feet.
- (e) Minimum required side yard on each side of lot.
  - (i) Churches—15 feet;
  - (ii) Other uses—None required, however, if buildings do not have common or adjoining walls, there shall be a side yard of at least 5 feet;
  - (iii) On lots adjacent to a residential district, all buildings shall be located so as to comply with the side yard requirement of the adjacent residential district on the side adjacent to the residential district.
- (f) Minimum required side yard for side facing street on corner lots shall be thirty feet (30').
- (g) Installations essential to the business operation may be required to set back a greater distance from the street or alley so that any service rendered by the business will not obstruct any public way.
- (h) Maximum permitted height of structures.
  - (i) No building shall exceed three (3) stories of thirty-five feet (35') in height unless each side yard is increased over the required minimum by five feet (5') for every five feet (5'), or fraction thereof, of additional height over thirty-five feet (35'), not exceed sixty-five feet (65') however;
  - (ii) On a lot less than fifty feet (50') in width at the building line, no building shall exceed one and one-half (1 1/2) stories or twenty-five feet (25') in height;
  - (iii) No accessory building shall exceed one and one-half (1 ½) stories or twenty-five feet (25') in height;
  - (iv) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus ten feet (10') from the nearest property lines.
- (i) Site plan review.
  - (i) Prior to issuance of a building permit, a site plan of the entire tract shall be submitted for staff review in accordance with provisions contained in chapter 9 of this title.

- (j) Other requirements.
  - (i) Enclosure requirements. All uses shall be conducted within completely enclosed buildings except for parking, loading and other accessory uses which by their nature must exist outside a building.
  - (ii) Outside display. No outside display of merchandise shall be permitted beyond the front building line.
  - (iii) Exterior storage. Exterior storage of goods or materials of any kind is prohibited. The placement of waste disposal facilities is permitted in rear yards only, and such facilities shall be appropriately screened and maintained using the same materials from which the principal use is constructed. (1988 Code, § 11-601)

**14-602. B-2 (General Business) Districts.** Within the B-2 (General Business) Districts as shown on the Zoning Map of Savannah, Tennessee, the following regulations shall apply:

(1) Uses permitted.

- (a) Retail sales. Agricultural implements sales and service; air conditioning, heating and plumbing supplies, automobile parts; and automobile sales and service; bakery and dairy products; boats and boating equipment sales and service; book stores camera shops; clothing and dry goods; cloth shop; department stores and general merchandise; drugs and pharmaceuticals; floor coverings and draperies; florist shops, furniture; gift shops; household appliances; jewelry stores; lawnmower sales and service; liquor stores; lumber and building materials; mobile home sales and service; musical instruments; newspaper stand; nursery and greenhouse; paint and wall paper; pet shops; records and phonographs; shoes; sporting goods; swimming pool supplies; tires; variety stores; fireworks pursuant to the provisions of 7-402; and
- (b) Services. Animal hospital; banks; savings and loan associates; beauty and barber shops; schools of business; art, music, dance, driving, and any education through correspondence; commercial recreation; funeral homes; laundry and dry cleaning; business, medical and professional offices; motels and hotels; movie theaters; billiard parlors; moving company; installation of outdoor advertising signs and structures; pest exterminator; photography studios; printing; radio and television sales and service; restaurants; sheet metal shop; shoe repair; tailoring and dressmaking; truck stops; trucking terminals; upholstery shops; watch repair; day care centers, group day care homes; automobile repair, services, and garages.
- (c) Churches; and federal, state, and municipal uses.
- (d) Advertising signs and advertising structures or lights or illuminating signs or buildings, provided that they shall not be placed

within the street right-of-way, nor shall they be lighted by flashing or rotating lights.

(e) Any accessory use or building customarily incidental to the above permitted uses.

(f) Mini-warehouses, provided that any such mini-warehouse structure shall not be utilized to store hazardous waste, items for bulk transshipment, or any inventory of a manufacturing operation.

(g) Telecommunications towers subject to the site plan review and in compliance with the provisions of § 14-314, "Telecommunications Tower Requirements."

(2) Uses permitted on appeal. Any other use which in the opinion of the board of zoning appeals is similar in character and not detrimental to the neighborhood.

(a) Elderly congregate living and elderly assisted living facilities, as defined by this ordinance, subject to the following requirements:

The principal building shall be located so as to comply with the following requirements:

(i.) Open space. A minimum 30% of the total area to be developed for an elderly living facility shall be devoted to open space.

(ii.) Landscaping. A landscape screen having a minimum width of 10 feet shall be provided along all rear and side lot lines contiguous to roadways or land zoned R-1, R-2, or R-3 districts. Such a landscape screen may be located in the required perimeter side and/or rear yards but shall not extend beyond the required front yard.

(iii.) Minimum lot area.

(A) Elderly congregate living—6,000 square feet for the first dwelling unit, plus 2,000 square feet for each additional unit.

(B) Elderly assisted care living—6,000 square feet for the first assisted care living unit, plus 1,200 square feet for each additional unit.

(iv.) Minimum lot width at the building line.

(A) Elderly congregate living—100 feet.

(B) Elderly assisted care living—20 feet.

(v.) Yard regulations.

(A) Front yard. There shall be a required perimeter front yard having a minimum depth as follows: This yard shall be an open minimum depth as follows: This yard shall be an open area with no encroachments permitted including drives, parking areas, porches, or patios, with the exception of entrances

(A1) Elderly congregate living—25 feet.

(A2) Elderly assisted care living—20 feet.

(B) Side yard. There shall be required perimeter side yards having a minimum depth of not less than 15 feet each between any building and side property line. This yard shall be an open area with no encroachments permitted including drives, parking areas, porches, or patios, with the exception of entrances.

(C) Rear yard. There shall be a required perimeter rear yard having a depth of not less than 20 feet as measured between the rear lot line and any portion of a building. This yard area shall be an open area with no encroachments permitted including drives, parking areas, porches, or patios, with the exception of entrances.

(vi.) Height regulations. No structure shall exceed 35 feet in height as measured from the average of the finished ground elevations at the front line of the building except where the building is adjacent to a public street, in which case the height shall be measured at the perimeter yard building line. This limitation shall not apply to belfries, chimneys, church spires, flagpoles, radio and television antennas or aerials and water tanks; provided they comply with the provisions of all pertinent codes and ordinances, and provided further they are located a distance equal to their own height plus 10 feet from the nearest property line.

(vii.) Parking requirements. Off street parking shall be provided on the same tract as the assisted-care living units, but not in the required perimeter front, side or rear yards. See § 14-308(4).

(viii.) Accessory building.

(A) Accessory buildings shall not extend into the required front, side or rear perimeter yards.

(B) Such buildings shall not be closer than 15 feet to the principal building.

(C) Accessory buildings shall not exceed 20 feet in height and shall not be closer than five feet to a recorded easement. However, this provision shall not apply to structures containing habitable space.

(ix.) Site plan approval. Prior to the approval of any elderly living facility, the developer shall submit a preliminary site plan to the planning commission for review. The preliminary plan shall:

(A) Be drawn to an appropriate scale;

(B) Including:

Existing zoning;

Existing and proposed roads and drainage;

Curb cuts, drives and parking areas;  
 Lot lines;  
 Building lines;  
 Open space and recreational areas;  
 Boundaries, tracts and names of adjacent property owners;  
 Existing sewer and water lines;  
 Contours at vertical intervals of 5 feet or less;  
 Exhibit a vicinity map showing the relation of the proposed development to the city;  
 Proposed landscape areas;  
 Show the relation of the proposed development to:

- (B1) The street system; and
- (B2) The surrounding property and use districts.

Contain a certification by a licensed civil engineer or land surveyor that the boundaries have been surveyed and are true and correct and that all encroachments, easements and rights-of-way are shown;

Provide a form for certification of approval by the secretary of the planning commission;

Provide a form for certification by the owner and trustee of the mortgage, if any, that they adopt the plan and dedicate the streets as shown on the plan and agree to make any required improvements to adjacent streets as shown on the plan.

(x.) Where appropriate, all requirements of Tennessee Code Annotated, title 68, chapter 11, together with any and all their statutes and rules and regulations of the State of Tennessee, the United States and/or any other regulatory governing such facilities shall be met.

(a) Heliports, as defined by this ordinance, subject to the following requirements:

(i.) FATO area:

- (A) Must comply with FAA standards.
- (B) Shall be at least 1.5 times the rotor diameter of the design helicopter.
- (C) Must be constructed of hard surface such as concrete, asphalt, or a surface that is stabilized to prevent dirt and debris from being raised by a taxiing helicopter's rotor wash.
- (D) Must be designed to handle live load.
- (E) Shall be completely enclosed by a 6 (six) foot fence to protect area from unauthorized persons.
- (F) Must be at least 50 (fifty) feet from nearest property line.

(ii.) Plan Requirement – Prior to the issuance of a building permit, a site plan shall be submitted and reviewed in accordance with the provisions of the Site Plan Review requirements in Title 14, Chapter 9, Section 14-901 “Procedure for Site Plan Review” of this ordinance and the following provisions:

(A) A design of the FATO and lighting design as recommended from FAA Advisory Circular 150/5390-2B.

(B) Approval from FAA.

(C) Show approach and departure paths. (Ord. #765- 8 2011, Sept. 2011)

(3) Uses prohibited. Any use not specifically permitted or permissible on appeal in this section.

(4) Regulations controlling lot area, lot width, yards and building height.

(a) Minimum required lot area.

(i.) Churches—15,000 sq. ft. or lot area per auditorium seating space whichever is greater;

(ii.) Other uses—No minimum requirement.

(b) Minimum required lot width at building line.

(i.) Service stations and motor vehicle fuel retail outlets-- 120 feet;

(ii.) Churches-- 100 feet;

(iii.) Other uses-- No minimum requirement;

(c) Minimum required front yard.

(i.) All uses—25 feet.

(d) Minimum required rear yard.

(i.) All uses—20 feet.

(e) Minimum required side yard on each side of lot.

(i.) Churches—15 feet.

(ii.) Other uses—None required, however, if buildings do not have common or adjoining walls, there shall be a side yard of at least 5 feet.

(iii.) On lots adjacent to a residential district, all buildings shall be located so as to comply with the side yard requirement of the adjacent residential district on the side adjacent to the residential district.

(f) Minimum required side yard for side facing street on corner lots shall be twenty-five feet (25’).

(g) Installations essential to the business operation may be required to set back a greater distance from the street or alley so that any service rendered by the business will not obstruct any public way.

(h) Maximum permitted height of structures.

(i.) No building shall exceed 3 stories or 35 feet in height unless each side yard is increased over the required minimum b

5 feet for every 5 feet, or fraction thereof, of additional height over 35 feet, not to 65 feet, however;

(ii.) On a lot less than 50 feet in width at the building line no building shall exceed 1 ½ stories or 25 feet in height;

(iii.) No accessory building shall exceed 2 stories in height;

(iv.) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus 10 feet from the nearest property lines.

(i) Site plan review

(i.) Prior to issuance of a building permit, a site plan of the entire tract shall be submitted for staff review in accordance with provisions contained in chapter 9 of this title. (1988 Code, § 11-602, as amended by Ord. #620-3-2001, May 2001)

**14-603. B-3 (Central Business) Districts.** Within the B-3 (Central Business) District as shown on the Zoning Map of Savannah, Tennessee, following regulations shall apply:

(1) Uses permitted.

(a) Retail sales. Air conditioning, heating and plumbing supplies; automobiles parts; bakery and dairy products; book stores; camera shops; clothing and dry goods; cloth shops; department stores and general merchandise; drugs and pharmaceuticals; floor coverings and draperies; florist shops; furniture; gift shops; groceries; hardware; hats; hobby shops; household appliances; jewelry stores; lawnmower sales and service; liquor stores; motorcycle and bicycle sales and service; musical instruments; newspaper stands, sporting goods; paint and wallpaper; pet shops, swimming pool supplies, records and phonographs; shoes; sporting goods; tires; and variety stores.

(b) Services. Service stations, motor vehicle fuel retail outlets; banks; savings and loan associates; barber shops; beauty shops; business, art and music schools; commercial recreation; correspondence schools; dancing schools; driving schools; funeral homes; laundry and dry cleaning pick up stations and self-service laundry and dry cleaning facilities; business and professional offices; motels and hotels; movie theaters and billiard parlors; photography studios; painting, radio and television sales and service; restaurants; shoe repair, tailoring and dressmaking ; upholstery shops; and watch repair.

(c) Churches, clubs and lodge halls, residential apartments, and federal state, municipal, and county uses.

(d) Advertising signs and advertising structures or lights for illuminating signs or buildings, provided that they shall not be placed



within the street right-of-way nor shall they be lighted by flashing or rotating lights.

(e) Any accessory use or building customarily incidental to the above permitted uses.

(f) Telecommunications Towers subject to site plan review and in compliance with the provisions of § 14-314 "Telecommunications Tower Regulations."

(2) Uses permitted on appeal. Any other use which in the opinion of the board of zoning appeals is similar in character and not detrimental to the neighborhood.

(3) Uses prohibited. Any use not specifically permitted or permissible on appeal in this section.

(4) Other requirements. (a) Exterior storage. Exterior storage of goods and materials of any kind is prohibited. The placement of waste disposal facilities shall be in the rear of buildings only. (1988 Code, § 11-603)

**14-604. B-4 (Business Professional) Districts.** The primary purpose of this district is to recognize and allow for a limited range of commercial establishments with low impact to adjacent residential districts.

Within the B-4 (Business Professional) Districts as shown on the Zoning Map of Savannah, Tennessee, the following regulations shall apply:

(1) Uses permitted.

(a) Retail, limited to Non-stock retailers.

(b) Services: Personal Services excluding Escort Services, Massage Parlors, Tattoo Parlors, Turkish Baths Central laundry dying and dry cleaning works. Business services excluding Photo finishing, Metal and wood fencing, ornamental grill work, Truck terminals, and research services. Professional Services limited to Legal Services and Health Services but excluding Hospitals. Educational services excluding driving schools.

(c) Churches; and federal, state, and municipal, county uses, excluding correctional institutions.

(d) Finance, Insurance and Real Estate.

(e) Membership Organizations

(f) Engineering and management services, excluding Research, Development, and Testing Services

(g) Agriculture, limited to agricultural; services, including only veterinary services provided all animals are kept within the Principal structure and not kenneled on site and landscape and horticultural services.

(h) Any accessory use or building customarily incidental to the above permitted uses.

(2) Uses permitted on appeal. None

(3) Uses Prohibited. Any use not specifically permitted or permissible on appeal in this section.

- (4) Regulations Controlling Lot Area. Lot Width, Yards and Building Height
- (a) Minimum required lot area
    - (1) Churches - 15,000 sq. ft. or 200 sq. ft. or lot area per auditorium seating space whichever is greater.
    - (2) Other Uses - No minimum requirement
  - (b) Other required lot width at building line
    - (1) Churches - 60 feet
    - (2) Other Uses - No minimum requirement
  - (c) Minimum required front yard.
    - (1) All uses – 40 feet
  - (d) Minimum required rear yard.
    - (1) All uses - 30 feet
  - (e) Minimum required side yard on each side of lot.
    - (1) All uses – 10 feet
    - (2) On lots adjacent to a residential district, all buildings shall be located so as to comply with the side yard requirement of the adjacent residential district on the side adjacent to the residential district.
  - (f) Minimum required side yard for side facing street on corner lots shall be 40 feet.
  - (g) Installations essential to the business operation may be required to set back a greater distance from the street or alley so that any service rendered by the business will not obstruct any public way.
  - (h) Maximum permitted height of structures.
    - (1) No building shall exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-five feet, not to exceed sixty-five (65) feet however;
    - (2) On a lot less than fifty (50) feet in width at the building line, no building shall exceed one and one-half (1 1/2) stories or twenty-five (25) feet in height.
    - (3) No accessory building shall exceed two (2) stories in height.
  - (i) Site Plan Review
    - (1) Prior to issuance of a building permit, a site plan of the entire tract shall be submitted for staff review in accordance with provisions contained in Chapter 9 of this Ordinance. (As Amended by Ordinance 494-2-93)
  - (j) Other Requirements
    - (1) Enclosure Requirements: All uses shall be conducted within completely enclosed buildings except for parking; loading and other accessory uses which by their nature must exist outside a building.
    - (2) Outside Display: No outside display of merchandise shall be permitted beyond the front building line.

(3) Exterior Storage: Exterior Storage of goods or materials of any kind is prohibited. The placement of waste disposal facilities is permitted in rear yards only, and such facilities shall be appropriately screened and maintained using the same materials from which the principal use is constructed. (Ord. #804-1-2015, February 2015)

## CHAPTER 7

### PROVISIONS GOVERNING FLOOD DISTRICTS

#### SECTION

14-701. F-H Flood District.

#### 14-701. F-H Flood District.

##### (1) Statutory authorization, findings of fact, purpose and objectives.

(a) Statutory Authorization. The Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-210, Tennessee Code Annotated delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Savannah, Tennessee, Mayor and Board of Commissioners, do ordain as follows:

(b) Findings of fact.

(i.) The City of Savannah, Tennessee, Mayor and its Legislative Body wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.

(ii.) Areas of the City of Savannah, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(iii.) Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, flood proofed, or otherwise unprotected from flood damages.

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

(i.) Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;

(ii.) Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;

- (iii.) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
- (iv.) Control filling, grading, dredging and other development which may increase flood damage or erosion;
- (v.) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(1) **Definitions.** Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application given its stated purpose and objectives.

**“Accessory Structure”** means a subordinate structure to the principal structure on the same lot and, and for the purpose of this Ordinance shall conform to the following:

- (i) Accessory structures shall only be used for parking of vehicles and storage.
- (ii) Accessory structures shall be designed to have low flood damage potential.
- (iii) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
- (iv) Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.
- (v) Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

**“Addition (to an existing building)”** means any walled and roofed expansion to the perimeter or height of a building.

**“Appeal”** means a request for a review of the local enforcement officer’s interpretation of any provision of this Ordinance or a request for a variance.

**“Area of Shallow Flooding”** means a designated AO or AH Zone on a community’s Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**“Area of Special Flood-related Erosion Hazard”** is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of

the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

**"Area of Special Flood Hazard" see "Special Flood Hazard Area"**.

**"Base Flood"** means the flood having a one percent chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one (1)-percent annual chance flood.

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

**"Building" see "Structure"**.

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

**"Elevated Building"** means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

**"Emergency Flood Insurance Program" or "Emergency Program"** means the program as implemented on an emergency basis in accordance with Section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

**"Erosion"** means the process of the gradual wearing away of land masses. This peril is not "per se" covered under the Program.

**"Exception"** means a waiver from the provisions of this Ordinance which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this Ordinance.

**"Existing Construction"** means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

**"Existing Manufactured Home Park or Subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

**"Existing Structures" see "Existing Construction"**.

**"Expansion to an Existing Manufactured Home Park or Subdivision"** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**"Flood" or "Flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

**"Flood Elevation Determination"** means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

**"Flood Elevation Study"** means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

**"Flood Hazard Boundary Map (FHBM)"** means an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

**"Flood Insurance Rate Map (FIRM)"** means an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

**"Flood Insurance Study"** is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

**"Floodplain" or "Flood prone Area"** means any land area susceptible to being inundated by water from any source (see definition of "flooding").

**"Floodplain Management"** means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

**"Flood Protection System"** means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

**"Flood proofing"** means any combination of structural and nonstructural additions, changes, or adjustments to structures which

reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities and structures and their contents.

**"Flood-related Erosion"** means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

**"Flood-related Erosion Area" or "Flood-related Erosion Prone Area"** means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

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

**"Freeboard"** means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

**"Functionally Dependent Use"** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**"Highest Adjacent Grade"** means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

**"Historic Structure"** means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;



3. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on the City of Savannah, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
  - a. By the approved Tennessee program as determined by the Secretary of the Interior or
  - b. Directly by the Secretary of the Interior.

**"Levee"** means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

**"Levee System"** means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

**"Lowest Floor"** means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

**"Manufactured Home"** means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle".

**"Manufactured Home Park or Subdivision"** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**"Map"** means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

**"Mean Sea Level"** means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Ordinance, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

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

**"New Construction"** means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management Ordinance and includes any subsequent improvements to such structure.

**"New Manufactured Home Park or Subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this ordinance or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

**"North American Vertical Datum (NAVD)"** means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

**"100-year Flood" see "Base Flood".**

**"Person"** includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

**"Reasonably Safe from Flooding"** means base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

**"Recreational Vehicle"** means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck;
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**"Regulatory Floodway"** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**"Riverine"** means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**"Special Flood Hazard Area"** is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

**"Special Hazard Area"** means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

**"Start of Construction"** includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**"State Coordinating Agency"** the Tennessee Department of Economic and Community Development's, Local Planning Assistance Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

**"Structure"** for purposes of this Ordinance, means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

**"Substantial Damage"** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

**"Substantial Improvement"** means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or;
- (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**"Substantially Improved Existing Manufactured Home Parks or Subdivisions"** is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

**"Variance"** is a grant of relief from the requirements of this Ordinance.

**"Violation"** means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

**"Water Surface Elevation"** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

**(2) General provisions.**

(a) Application. This Ordinance shall apply to all areas within the incorporated area of the City of Savannah, Tennessee.

(b) Basis for establishing the areas of special flood hazard. The Areas of Special Flood Hazard identified on the City of Savannah, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) Community Panel Numbers 47071C0185E and 47071C0205E, and Flood Insurance Study Number 47071CV000A dated June 16, 2006, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

(c) Requirement for development permit. A development permit shall be required in conformity with this Ordinance prior to the commencement of any development activities.

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

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

(f) In the interpretation and application of this Ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body and; (3) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

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

(h) Penalties for violation. Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Savannah, Tennessee from taking such other lawful actions to prevent or remedy any violation.

**(3) Administration.**

(a) Designation of building inspector. The Community Development Director is hereby appointed as the Administrator to implement the provisions of this Ordinance.

(b) Application for a development permit shall be made to the Administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

(i.) Application stage

(A) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.

(B) Elevation in relation to mean sea level to which any non-residential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.

(C) A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in Article V, Sections A and B.

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

(ii.) Construction Stage

Within AE Zones, where Base Flood Elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where Base Flood Elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The

Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(c) Duties and responsibilities of the building inspector. Duties of the Administrator shall include, but not be limited to, the following:

1. Review all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
3. Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.
4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.
5. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
6. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with Article IV, Section B.
7. Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable, to which the new and substantially improved buildings have been floodproofed, in accordance with Article IV, Section B.
8. When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Article IV, Section B.
9. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the

boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.

10. When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the City of Savannah, Tennessee FIRM meet the requirements of this Ordinance.

11. Maintain all records pertaining to the provisions of this Ordinance in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

**(4) Provisions for flood hazard reduction.**

(a) General standards. In all areas of special flood hazard, the following provisions are required.

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;

2. Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.

3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

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

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

7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters



into the systems and discharges from the systems into flood waters;

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

9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance;

10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not further extended or replaced;

11. All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;

12. All subdivision proposals and other proposed new development proposals shall meet the standards of Article V, Section B;

13. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;

14. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

(b) Specific standards. In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Article V, Section A, are required:

1. Residential Structures. In AE Zones where Base Flood Elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

Within approximate A Zones where Base Flood Elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a

building to be elevated to a level of at least three (3) feet above the highest adjacent grade (as defined in Article II). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

2. Non-Residential Structures. In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one (1) foot above the level of the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three (3) feet above the highest adjacent grade (as defined in Article II). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

Non-Residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Article IV, Section B.

3. Enclosures. All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

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

- (i.) Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
- (ii.) The bottom of all openings shall be no higher than one (1) foot above the finished grade;
- (iii.) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(b) The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.

(c) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Article V, Section B.

#### 4. Standards for Manufactured Homes and Recreational Vehicles

(a) All manufactured homes placed, or substantially improved, on:

- (1) individual lots or parcels,
- (2) in expansions to existing manufactured home parks or subdivisions, or
- (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.

(b) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

- (i.) In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation or
- (ii.) In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Article II).

(c) Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of Article V, Sections A and B.

(d) All manufactured homes must be securely anchored to

an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(e) All recreational vehicles placed in an identified Special Flood Hazard Area must either:

(i.) Be on the site for fewer than 180 consecutive days;

(ii.) Be fully licensed and ready for highway use a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;

(iii.) The recreational vehicle must meet all the requirements for new construction.

5. Standards for Subdivisions and Other Proposed New Development Proposals Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

(a) All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.

(b) All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(c) All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(d) In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Article V, Section E).

(e) Standards for Special Flood Hazard Areas with Established Base Flood Elevations and With Floodways Designated. Located within the Special Flood Hazard Areas established in Article III, Section B, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

1. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the Base Flood Elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective Flood Insurance Study for the City of Savannah, Tennessee and certification, thereof.
  2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B.
- (f) Standards for areas of special flood hazard zones AE with established base flood elevation but without floodways designated. Located within the Special Flood Hazard Areas established in Article III, Section B, where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:
1. No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
  2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B.
- (e) Standards for streams without established base flood elevations and floodways (A Zones). Located within the

Special Flood Hazard Areas established in Article III, Section B, where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:

1. The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2 below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Article V, Sections A and B.

2. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data.

3. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (as defined in Article II). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Article IV, Section B. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Article V, Section B.

4. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the City of Savannah, Tennessee.

The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

5. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B. Within approximate A Zones, require that those subsections of Article V Section B dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

(f) Standards for areas of shallow flooding (AO and AH Zones). Located within the Special Flood Hazard Areas established in Article III, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in Article V, Sections A and B, apply:

1. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1) foot above as many feet as the depth number specified on the FIRM's, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Article V, Section B.

2. All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one (1) foot above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic

loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three (3) feet above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Ordinance and shall provide such certification to the Administrator as set forth above and as required in accordance with Article IV, Section B.

3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

(g) Standards for areas protected by flood protection system (A-99 Zones). Located within the Areas of Special Flood Hazard established in Article III, Section B, are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not been determined. Within these areas (A-99 Zones) all provisions of Article IV and Article V shall apply.

(h) Standards for unmapped streams. Located within the City of Savannah, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

1. No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.

2. When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with articles IV and V.

**(5) Variance procedures.**

(a) Board of zoning appeals.



1. Authority. The City of Savannah, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
2. Procedure Meetings of the Municipal Board of Zoning Appeals shall be held at such times, as the Board shall determine. All meetings of the Municipal Board of Zoning Appeals shall be open to the public. The Municipal Board of Zoning Appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the Municipal Board of Zoning Appeals shall be set by the Legislative Body.
3. Appeals: How Taken An appeal to the Municipal Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Municipal Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of seventy five (75) dollars for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Municipal Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The Municipal Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than fifteen (15) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.
4. Powers. The Municipal Board of Zoning Appeals shall have the following powers:
  - (a) Administrative Review. To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Administrator or other administrative official in carrying out or enforcement of any provisions of this Ordinance.
  - (b) Variance Procedures. In the case of a request for a variance the following shall apply:
    1. The City of Savannah, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
    2. Variances may be issued for the repair or rehabilitation of historic structures as defined,

herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this Ordinance to preserve the historic character and design of the structure.

3. In passing upon such applications, the Municipal Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:

- (a) The danger that materials may be swept onto other property to the injury of others;
- (b) The danger to life and property due to flooding or erosion;
- (c) The susceptibility of the proposed facility and its contents to flood damage;
- (d) The importance of the services provided by the proposed facility to the community;
- (e) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;
- (f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (h) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (i) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
- (j) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.

4. Upon consideration of the factors listed above, and the purposes of this Ordinance, the Municipal Board of Zoning Appeals may attach such conditions

to the granting of variances, as it deems necessary to effectuate the purposes of this Ordinance.

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

(b) Conditions for variances.

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in Article VI, Section A.

2. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.

3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance (as high as \$25 for \$100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.

4. The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request. (Ord. #789-9-2013, Sept. 2013)

## CHAPTER 8

### PROVISIONS GOVERNING INDUSTRIAL DISTRICTS

#### SECTION

14-801. M-1 (Light Industrial) Districts.

14-802. M-2 (Heavy Industrial) Districts.

**14-801. M-1 (Light Industrial) Districts.** Within the M-1 (Light Industrial) districts as shown on the Zoning Map of Savannah, Tennessee, the following regulations shall apply:

(1) Uses permitted.

(a) Retail and wholesale sales; agricultural implement sales and service; heating and plumbing supplies; automobile parts; automobile sales and service; boats and boating equipment sales and service; hardware; lawnmower sales and service; lumber and building materials; mobile home sales and service; motorcycles sales and service; nursery and greenhouse; paint; sporting goods; and welding supplies.

(b) Services. Animal hospitals; auto repair garages and body repair; service stations; motor vehicle fuel retail outlets; laundry and dry cleaning establishments; moving company; outdoor advertising signs and structures; outdoor advertising signs and structures; pest extermination; printing; restaurants; sheet metal shops; tire repair and recapping; truck stops; truck terminals; upholstery shops; and warehousing and storage.

(c) Manufacturing, processing, or fabrication; canned or preserved fruits or vegetables; bakery products; bottling plants; candy and confectioners; apparel and other finished products made from fabrics; drugs; footwear, except rubber; leather gloves and mittens; luggage goods; glass products, made of purchased glass; communication equipment; electronic components and accessories; professional, scientific, and controlling instruments; photographic and optical goods; watches and clocks; and jewelry, silverware and plated ware.

(d) Federal, state and municipal, county uses.

(e) Research laboratories.

(f) Accessory uses customarily incidental to any aforementioned permitted use.

(g) Telecommunications towers or structures upon approval by the board of zoning appeals and in compliance with the provisions of § 14-314 "Telecommunications Tower Requirements."

(2) Uses permitted on appeal.

(a) Adult oriented businesses. Adult oriented businesses as defined in chapter 2 of this title may be permitted provided that no zoning compliance permit or certificate of occupancy for such use shall be issued without written approval of the board of zoning appeals and

subject to such conditions as the board of zoning appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located; and provided further that:

(i.) Such use is situated within facilities located no closer than five hundred feet (500') to pre-existing churches, schools or residences; and

(ii.) All signs and exterior displays relative to such use shall be limited to exclude obscenities including depictions, likenesses or representations of "specified anatomical areas" and "specified sexual activities" as defined in chapter 11 of this title.

(iii.) The property and the facility housing such use meets all yard standards, parking requirements, site plan review requirements and all other applicable provisions of this ordinance.

(b) Any other use which, in the opinion of the board of zoning appeals, is similar in character to those enumerated in § 14-802(1) of this chapter and will not be detrimental to the district in which located, subject to such conditions and safeguards as may be required by the board of zoning appeals.

(c) Any of the following or other similar uses which in the opinion of the board of zoning appeals will be controlled so as not to produce injurious or obnoxious vibrations, smoke, gas, fumes, odors, dust or other objectionable conditions provided that written approval of the board of zoning appeals is obtained and subject to such conditions as the board may stipulate: bag cleaning; boiler and tank works; central mixing plant for cement, mortar, plaster or paving materials; creamery; crematory; curing; metal fabrication plant; quarry; gasoline or oil storage above ground in excess of five hundred (500) gallons; scrap paper, rag storage and baling; sawmills; smelting plant; and the manufacture of acetylene, bleaching powder; condensed milk; chemicals, brick, pottery, terra cotta or tile, candles, disinfectants, dye stuffs, fertilizers, illuminating or heating gas (or storage of same), linseed oil, paint, oil, turpentine, varnish, soap and tar products, screws and bolts, wire and tires.

(3) Uses prohibited. Any use not specifically permitted by the terms of this chapter or permissible on appeal. The board of zoning appeals shall specifically not have the authority to permit: single and multi-family dwellings; hotels and motels; bag cleaning; boiler and tank works; crematory; curing, tanning and storage of raw hides and skins, distillation of bones, coal, wood or tar; fat rendering forage plant or foundry; quarry; scrap paper, rag storage and baling; sawmills; slaughter house or stockyards; smelting; and the manufacture of acetylene, acid, alcohol, ammonia, bleaching powder; chemicals, brick, pottery, terra cotta or tile, candles, disinfectants, dye stuffs, fertilizers, illuminating or heating gas (or storage of same), linseed oil, paint, screws and bolts, wire and tires; or any other use which would cause injurious or obnoxious noise, vibrations, smoke, gas, fumes, odors, dust or other objectionable conditions.

- (4) Regulations controlling yards and building height.
- (a) Minimum required front yard.
    - (i.) All uses 35 feet
  - (b) Minimum required rear yard
    - (i.) All uses 25 feet
  - (c) Minimum required side yard on each side of lot
    - (i.) All uses 25 feet except on lots adjacent to A residential district. In such case the side yard shall be 25 feet plus the side yard requirement of the adjacent residential district.
  - (d) Notwithstanding the above provision, no yard will be required for that part of a lot which fronts on a railroad siding.
  - (e) Maximum permitted height of structures.
    - (i.) No building shall exceed 4 stories or 40 feet in height.
    - (ii.) Free standing poles, spires, towers, antennae, and similar structures may exceed the height provisions provided they comply with the provisions of all other codes and ordinances, and provided that they are located a distance equal to their own height plus 10 feet from the nearest property line. (1988 Code, § 11-801, as amended by Ord. #680-1-2005, March 2005)

**14-802. M-2 (Heavy Industrial) Districts.** Within the M-2 (Heavy Industrial) Districts, as shown on the Zoning Map of Savannah, Tennessee, the following regulations shall apply:

- (1) Uses permitted.
- (a) Retail and wholesale sales; agricultural implement sales and service; air conditioning, heating and plumbing supplies; boats and boating equipment sales and service; hardware; lumber and building materials; mobile home sales and service; motorcycles sales and service; nursery and greenhouse; paint; sporting goods; and welding supplies.
  - (b) Services. Animal hospitals; laundry and dry cleaning; moving company; outdoor advertising signs and structures; outdoor advertising signs and structures; pest extermination; printing; restaurants; sheet metal shops; tire repair and recapping; truck stops; truck terminals; upholstery shops; warehousing and storage; automobile repair, service, and garages..
  - (c) Manufacturing, processing or fabrication; canned or preserved fruits or vegetables; bakery products; bottling plants; candy and confectioneries; apparel and other finished products made from fabrics; drugs; footwear, except rubber; leather gloves and mittens; luggage, handbags and other personal leather goods; glass products, made of purchased glass; communication equipment; electronic components and accessories; professional, scientific and controlling instruments;

photographic and optical goods; watches and clocks; and jewelry, silverware and plated ware.

(d) Federal, state and municipal, county uses.

(e) Research laboratories.

(f) Accessory uses customarily incidental to any aforementioned permitted use.

(g) Telecommunications towers or structures upon approval by the board of zoning appeals and in compliance with the provisions of § 14-314, "Telecommunications Tower Requirements."

(2) Uses permitted on appeal.

(a) Any other use which, in the opinion of the board of zoning appeals, is similar in character to those enumerated in § 14-802(1) of this chapter and will not be detrimental to the district in which located, subject to such conditions and safeguards as may be required by the board of zoning appeals.

(b) Automobile dead storage, junkyards, Wholesale Trade and recycling facilities upon BZA approval of a site plan and:

(i.) Recycling center shall be subject to the following additional standards:

(A) A plan for the maintenance of the grounds shall be submitted along with the application for the special permit in order to assure that the site will be maintained in a clean, safe, and sanitary condition and free of litter, vermin, and odors associated with the items proposed to be stored on-site and to assure operation of the site in conformance with the City's regulations and Codes regarding litter, trash, and garbage;

(B) Recycling center **shall not** be located adjacent to any restaurant or other food service establishment or **within two hundred fifty feet** of any property zoned for single family or two-family residences;

(C) The site of the proposed recycling center shall be secured in order to prevent improper or unauthorized use of the facility and the hours of operation shall be clearly posted in a manner to be visible from the adjoining public way;

(D) Other additional standards including but not limited to hours of operation, setbacks, screening, lighting, parking location and layouts, access and general landscaping requirements. This power of review shall not include the authority to specify or alter the architectural style of proposed buildings, colors, or similar considerations. The Commission or Board may require a buffering of the development from surrounding properties and ROW by the use of fencing, plantings, or combination thereof to assure

compatibility of the recycling center with other property in the vicinity of the recycling center.

(E) All operation **shall be** from within an enclosed building, except materials packaged and baled waiting to be transported can be stored outside, but must be screened from public by an opaque fence with height adequate to prevent materials from being seen from public right-of-way.

(c) Any of the following or other similar uses which in the opinion of the board of zoning appeals will be controlled so as not to produce injurious or obnoxious vibrations, smoke, gas, fumes, odors, dust or other objectionable conditions provided that written approval of the board of zoning appeals is obtained and subject to such conditions as the board may stipulate: bag cleaning; boiler and tank works; central mixing plant for cement, mortar, plaster or paving materials; creamery; crematory; curing; metal fabrication plant; quarry; gasoline or oil storage above ground in excess of five hundred (500) gallons; scrap paper, rag storage and baling; sawmills; smelting plant; and the manufacture of acetylene, bleaching powder; condensed milk; chemicals, brick, pottery, terra cotta or tile, candles, disinfectants, dye stuffs, fertilizers, illuminating or heating gas (or storage of same), linseed oil, paint, oil, turpentine, varnish, soap and tar products, screws and bolts, wire and tires.

(3) Uses prohibited. Any use not specifically permitted or permissible on appeal in this chapter.

(4) Regulations controlling yards and building height.

(a) Minimum required front yard.

(i.) All uses 35 feet

(b) Minimum required rear yard.

(i.) All uses 20 feet

(c) Minimum required side yard on each side of lot.

(i.) All uses 35 feet except on lots adjacent to a residential district. In such case the side yard requirement of the adjacent residential district.

(d) Notwithstanding the above provision, no yard will be required for that part of a lot which fronts on a railroad siding.

(e) Maximum permitted height of structures.

(i.) No building shall exceed 5 stories or 50 feet in height.

(ii.) Free standing poles, spires, towers, antennae, and similar structures may exceed the height provisions provided they comply with the provisions of all other codes and ordinances, and provided that they are located a distance equal to their own height plus 10 feet from the nearest property line.

(5) Regulations controlling automobile dead storage and junk yards. All areas used for automobile dead storage or junkyards shall be screened by use of an opaque fence not less than eight feet (8') in height around the entire perimeter of the area so used. (1988 Code, § 11-802)



## CHAPTER 9

### SPECIAL PROVISIONS

#### SECTION

- 14-901. Procedures for site plan review.
- 14-902. Contents of the site plan.
- 14-903. Site plan review authority.
- 14-904. Term of site plan approval.
- 14-905. Enforcement of site plan approval.

#### **14-901. Procedures for site plan review.**

- (1) Staff Review.
  - (a) Where submission of a site plan for staff review is required in this ordinance, a site plan meeting requirements in § 14-902 shall be submitted to the office of the city manager. The city manager and/or his designees shall review the site plan, and shall either approve or disapprove the site plan within ten (10) days of submission. If approved, a copy of the site plan signed by the city manager or his designee shall be provided to the proponent in writing.
  - (b) At the option of either party, the city manager or the site plan proponent may refer the site plan to the planning commission for a decision.
- (2) Planning commission review.
  - (a) Where submission of a site plan for planning commission review is taken as an option under provisions of this ordinance, a site plan meeting the requirements in § 14-902 shall be submitted to the office of the city manager for administrative review at least fifteen (15) days prior to the planning commission meeting.
  - (b) The planning commission shall either approve, approve with conditions, or disapprove the site plan within thirty-five (35) days of first meeting on the matter. If approved, a copy of the site plan signed by the secretary of the planning commission shall be provided to the proponent. If approved with conditions, the conditions shall be provided to the proponent in writing and a copy of the site plan signed by the secretary of the planning commission shall be provided to the proponent after all conditions are assured or implemented prior to issuance of any building permit. If disapproved, the reasons for disapproval shall be provided to the proponent in writing.
- (3) Board of zoning appeals review.
  - (a) Where submission of a site plan for review by the board of zoning appeals is required in this ordinance, a site plan meeting requirements in § 14-902 shall be submitted to the office of the city manager for administrative review at least fifteen (15) days

prior to the board of zoning appeals meeting. (1988 Code, § 11-901)

**14-902. Contents of the site plan.**

- (1) The contents of the site plan shall include the following:
  - (a) Name of the development and address;
  - (b) Names, addresses and phone numbers of owner of record and the applicants;
  - (c) Present zoning of the site and abutting property;
  - (d) Date, graphic scale of one inch equals one hundred feet (1" = 100'), and north point with references to sources of meridian;
  - (e) Courses and distances of center lines of all streets and all property lines;
  - (f) All building restriction lines, easements, covenants, reservations and right-of-way;
  - (g) The total land area;
  - (h) Topography of existing ground, and paved areas and elevations of streets, alleys, utilities, sanitary and storm sewer and building and structures. Topography to be shown by a dashed line illustrating five-foot contours as required by the building inspector and spot elevations where necessary to indicate flat areas.
- (2) The site plan shall show the location of the following when existing:
  - (a) Sidewalks, streets, alleys, easements, and utilities;
  - (b) Buildings and structures;
  - (c) Public sewer systems;
  - (d) Slopes, terraces and retaining walls;
  - (e) Driveways, entrances, exits, parking;
  - (f) Water mains and fire hydrants;
  - (g) Trees and shrubs;
  - (h) Recreational areas, and swimming pools;
  - (i) Natural and artificial water courses;
  - (j) Limits and flood plains;
  - (k) Signs.
- (3) The site plan shall show the location, dimension, and height of the following when proposed:
  - (a) Sidewalks, streets, alleys, easements, and utilities;
  - (b) Buildings and structures including the front, rear, and side elevations of proposed buildings and any proposed signs;
  - (c) Public sewer systems;
  - (d) Slopes, terraces, and retaining walls;
  - (e) Driveways, entrances, exits, parking areas and sidewalks;
  - (f) Water mains and fire hydrants;
  - (g) Trees and shrubs;
  - (h) Recreational areas;
  - (i) Distances between buildings;

- (j) Estimates of the following when applicable:
  - (i.) Number of dwelling units;
  - (ii.) Number of parking spaces;
  - (iii.) Number of loading spaces;
  - (iv.) Number of commercial or industrial tenants and employees;
  - (v.) Plans for collecting storm water and methods of treatment of natural and artificial water courses including a delineation of limits of flood plains, if any;
  - (vi.) Proposed grading, surface drainage, terraces, retaining wall heights, grades and paving areas, and ground floor elevations of proposed buildings and structures. Proposed topography of site shall be shown by five foot (5') contours as required by the building inspector and spot elevations where necessary to indicate flat areas.

(4) Bear a certificate by a licensed civil engineer or licensed surveyor certifying that the plan as shown is true and correct. This requirement may be waived by the building official for accessory structures. (Ord. #792-12-2013, Dec. 2013)

- (5) Bear a form for certificate to approval by:
  - (a) The secretary of the planning commission and/or the chairmen of the board of zoning appeals.
  - (b) Utility director.

(6) Provide a form for certification by the owner and trustee of the mortgage, if any, that they adopt the plan, and dedicate the streets as shown on the plan and agree to make any required improvements of adjacent streets as shown on the plan. (1988 Code, § 11-902)

**14-903. Site plan review authority.**

(1) The city manager or his designee shall have the power to require such changes in site plans, not required for board of zoning appeals proceedings, as may be necessary to minimize the impact of the requested use. This may include, but not limited to, setbacks, screening, lighting, parking location and layout, access and general landscaping requirements. This power of review shall not include the authority to specify or alter architectural style of proposed or existing buildings, the authority to specify or alter the architectural style of proposed or existing buildings, the authority to specify building materials, colors or similar considerations. The commission may require a buffering of the development from surrounding properties by the use of fencing, planting, or combinations thereof.

(2) The planning commission shall also have the power to require such changes in site plans, not required for board of zoning appeals proceedings, as may be necessary to minimize the impact of the requested use. This may include, but not limited to, setbacks, screening, lighting, parking location and layout, access and general landscaping requirements. This power of review shall not include the authority to specify building materials, colors or similar considerations. The

commission may require a buffering of the development from surrounding properties by the use of fencing, plantings, or combinations thereof.

(3) The board of zoning appeals shall have the power to require such changes in the site plans required for board of zoning appeals proceedings, as may be necessary to minimize the impact of the requested use. This may include parking location and layout, access and general landscaping requirements. This power of review shall not include the authority to specify or alter the architectural style of proposed or existing building, the authority to specify building materials, colors or similar considerations. The board of zoning appeals may require a buffering of the development from surrounding properties by the use of fencing, plantings, or combinations thereof. (1988 Code, § 11-903)

**14-904. Term of site plan approval.** Work must commence within one (1) year of a site plan approved by the city manager or the planning commission. After one (1) year, a new site plan must be resubmitted for consideration and approval. (1988 Code, § 11-904)

**14-905. Enforcement of site plan approval.** If, during the process of construction, the building inspector notes variations from the approved site plan, he shall promptly notify the owner in writing of these variations and shall direct that the variations be corrected within a specified period. If, after proper notice by the building inspector, the owner has not complied with the provisions of the approved site plan, the city manager or his designee shall have the authority to cite the owner to municipal court for violation of this ordinance. (1988 Code, § 11-903)

## CHAPTER 10

### SIGN REGULATIONS

#### SECTION

- 14-1001. Purpose.
- 14-1002. Prohibited signs.
- 14-1003. Permits required.
- 14-1004. Application for erection permit.
- 14-1005. Permit issued if application in order.
- 14-1006. Permit fees.
- 14-1007. Permit revocable at any time.
- 14-1008. Unsafe and unlawful signs.
- 14-1009. Obsolete and abandoned signs.
- 14-1010. Exemptions.
- 14-1011. Nonconforming signs.
- 14-1012. Site plan review requirements.
- 14-1013. Permitted uses.
- 14-1014. Indemnity agreement.

**14-1001. Purpose.** The purpose of this chapter is to establish standards for the fabrication, erection and use of signs, symbols, markings and advertising devices within the City of Savannah. These standards are designed to protect and promote the public welfare, health and safety of persons within the community and to aid in the development and promotion of business and industry by providing sign regulations which encourage aesthetic creativity, effectiveness and flexibility in the design and use of such devices without creating detriment to the general public.

All signs and awnings must be designed and built to comply with all state and local standards and codes. (1988 Code, § 11-1001, as amended by Ord. #706-3-2007, May 2007)

**14-1002. Prohibited signs.** The following types of signs are prohibited in all zoning districts of Savannah as follows:

- (1) Flashing signs that can be seen from the public right-of-way;
- (2) Rotating lights that can be seen from the public right-of-way;
- (3) Portable signs, except as provided in § 14-1010;
- (4) Signs on public property, other than those erected at the direction or with the permission of public authority having jurisdiction;
- (5) Signs erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or in any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic signs, signal or device; or which makes use of the words "STOP," "LOOK," "DRIVE-IN," character of such manner as to interfere with, mislead or confuse traffic;

(6) Signs which are erected or maintained so as to prevent free ingress to or egress from any door, window or fire escape;

(7) Signs which extend over public property which are wholly or partially illuminated by floodlights or spotlights, may not impede pedestrian traffic, and no permanent sign shall be allowed to extend over public right-of-way serving vehicular traffic (streets);

(8) Signs which blend with or can be confused with traffic signals;

(9) Signs which contain reflective materials which present a hazard or danger to traffic or the general public;

(10) Signs which are structurally unsound or which are rendered structurally sound by guy wires;

(11) Signs which display thereon or advertise any obscene, indecent or immoral matter;

(12) Off-site bench signs shall be prohibited in residential districts, but shall be allowed in commercial and industrial districts, provided the following criteria are met;

(a) Sign area per bench shall be no greater than twelve (12) square feet.

(b) The height of the bench shall be no greater than forty-four inches (44"), including the bench back.

(c) Benches with signs shall be placed with their backs parallel to and within ten feet (10') of the wall of the principal building, provided that no bench sign shall be allowed against a wall of the principal building where such wall is closer than ten feet (10') from the property line. (1988 Code, § 11-1002, as amended by Ord. #623-4-2001, June 2001, Ord. #660-3-2004, June 2004, and Ord. #706-3-2007, May 2007)

**14-1003. Permits required.** It shall be unlawful for any person to erect, alter, relocate or maintain within the City of Savannah, any free standing sign or other advertising structure as defined in this ordinance, without first obtaining an erection permit from the city and making payment of the fee required by § 14-1006 hereof. (1988 Code, § 11-1003)

**14-1004. Application for erection permit.** Application for a sign permit shall be made upon forms provided by the building inspector or whomsoever designated and shall contain or have attached thereto the following information:

(1) Name, address and telephone number of the applicant;

(2) Location of the building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected;

(3) Position of the sign or other advertising structure in relation to nearby building or structures;

(4) Name of person, firm, corporation or association erecting the structure;

(5) Written consent of the owner or the building, structure or land to which or upon which the structure is to be erected.

(6) Indemnity agreement as provided by § 14-1014;

(7) Such other information as the building inspector shall require to show full compliance with this and all other ordinances of the city.

(8) Agreement to abide by this ordinance and all other ordinances of the City of Savannah and to pay all costs and attorney's fees as provided by said ordinances. (1988 Code, § 11-1004)

**14-1005. Permit issued if application in order.** It shall be the duty of the building inspector or other person so designated, upon the filing of an application for an erection permit to examine the application, specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure, then if it shall appear that the proposed structure is in compliance with all requirements of this ordinance and all other laws and ordinances of the City of Savannah, the building inspector or whomsoever designated shall then issue the sign permit. If the work authorized under this sign permit has not been completed within a period of six (6) months after the date of issuance, the said permit shall become null and void. (1988 Code, § 11-1005)

**14-1006. Permit fees.** Every applicant, before being granted a permit hereunder shall pay to the city of Savannah a permit fee which will be paid based upon the city's building permit schedule then in force and effect. (1988 Code, § 11-1006)

**14-1007. Permit revocable at any time.** All rights and privileges required under the provisions of this ordinance or any amendment thereto, are mere licenses, revocable at any time by the City of Savannah and all such permits shall contain this provision. (1988 Code, § 11-1007)

**14-1008. Unsafe and unlawful signs.** If the building inspector or whomsoever designated shall find that any sign or other advertising structure regulated herein is unsafe or insecure, or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this ordinance, he shall give written notice to the permittee thereof. If the permittee fails to remove or alter the structure so as to comply with the standards herein set forth within ten (10) days after such notice, such sign or other advertising structure may be removed or altered to comply by the building inspector at the expenses of the permittee or owner of the property upon which it is located. The building inspector may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice. (1988 Code, § 11-1008)

**14-1009. Obsolete and abandoned signs.**

(1) Any sign which advertises or pertains to a business product, service,

event, activity or purpose which is no longer conducted or has not been in use for three (3) months or which is no longer imminent, or any sign structure that no longer displays any sign copy of a like period shall be deemed to be obsolete or abandoned. This includes signs whether located on premises or off premises.

(2) Permanent signs applicable to a business temporarily suspended because of change of ownership or management shall not be deemed abandoned or obsolete unless the property remains vacant for a period of six (6) months.

(3) Obsolete and abandoned signs are prohibited and shall be removed by the owner of the property, his agent or person having official use of the building or site upon which such sign or sign structure is erected within thirty (30) days after written notification from the city building inspector or whomsoever designated.

(4) In event of noncompliance with the aforesaid terms and provisions, then the city shall have the authority to remove the sign and bill the owner of the amount of cost incurred. Any cost that the city incurs in collecting these costs from the owner will be reimbursed by the owner to the city and this includes a reasonable attorney's fee of at least three hundred dollars (\$300.00) and all court costs. (1988 Code, § 11-1009)

**14-1010. Exemptions.** The provisions and regulations of this ordinance shall not apply to the following signs:

(1) Public signs which are signs erected by, or on the order of a public officer in the performance of his public duty, such as safety signs, danger signs, federal, state, city and county signs, legal notices, and such temporary, emergency or non-advertising signs as may be approved by the city building inspector;

(2) Historical markers as required by local, state, or federal authorities;

(3) Fuel price information signs;

(4) Full service gasoline pump signs;

(5) Signs of a primarily decorative nature, clearly incidental and customary and commonly associated with any national, local or religious holiday;

(6) No trespassing or no dumping signs;

(7) Real estate signs or signs indicating rental property available not exceeding five (5) square feet in area which advertise the sale, rental or lease of the premises upon which said signs are located only;

(8) Professional occupational signs denoting only the name and professions of an occupant in a commercial building, public institution or dwelling house. "Professionals" being anyone in a business not required to pay business tax.

(9) Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed on bond or noncombustible material;

(10) Political campaign signs on behalf of candidates for public office or measures of election ballots provided that said signs conform to the following regulations:

(a) Said signs may be erected not earlier than sixty (60) days prior to said election and shall be removed within fifteen (15) days following said election.



(b) No sign shall be located within or over the public right-of-way.

(11) Public signs, or signs specifically authorized for public purposes by any law, statute or ordinance; which may be of any type, number, area, height above grade, location, illumination or animation, required by law, statute or ordinance under which the signs are erected.

(12) Temporary signs may be erected provided that permission is first obtained from the building inspector or to whom he may designate, said signs to remain a short period of time to promote drives or events of civil philanthropic, educational or religious organizations, provided that said signs are posted only during said drive or no more than thirty (30) days before said event or removed no more than seven (7) days after said event.

(13) Warning signs warning the public of the existence of danger, containing no advertising material, of a size as may be necessary, to be removed upon the subsidence of danger.

(14) Flag, emblems or insignia of any nation or political subdivision or corporate flag.

(15) Construction signs. One (1) construction sign per construction project provided that such sign shall be erected no more than seven (7) days prior to the beginning of construction for which a valid building permit has been issued, shall be confined to the site of construction and shall be removed five (5) days after completion and prior to occupancy.

(16) Private property signs such as "no parking," "exit," "parking," etc.

(17) On-premises or off-premises directional signs for churches or schools, not to exceed two (2) square feet in area, provided they are not placed in the public right-of-way.

(18) On-premises or off-premises signs on public property, limited to thirty-two (32) square feet, which are erected at the direction of or with the permission of the public authority having jurisdiction.

(19) Off-premises signs advertising the auction of real or personal property, limited to one (1) sign per parcel, per event, not to exceed five (5) square feet in area. The placement of these signs shall only be allowed during the fourteen (14) day time span prior to the auction. These signs shall be removed at least seven (7) days after the auction. (1988 Code, § 11-1010, as amended by Ord. #660-3-2004, June 2004, Ord. #677-9-2004, and Ord. #706-3-2007, May 2007)

(20) Historical Signs provided the sign is approved by the Planning Commission to make a determination of the historical significance of the existing or proposed sign. Will be constructed on a 36" by 24" oval shape aluminum metal located on the corner of street where said historical building or place is located. A 12" by 18" oval shape aluminum metal sign shall be located on said site. The initial fee will be one hundred dollars (\$100.00) to offset production of the original signs. The signs will be installed by the city staff. After installation, the sign will become part of the inventory of City signs and maintained by City Staff. (Ord. #809-4-2015, May 2015)

**14-1011. Nonconforming signs.** With the exception of portable signs, any sign that has been erected, constructed or placed in its location and that is being used as of the effective date of this ordinance, shall be conclusively presumed to be conforming if erected, constructed or placed and used in compliance with the codes and ordinances of the City of Savannah pertaining to signs that were in effect immediately prior to such date. All other signs shall be deemed nonconforming and subject to §§ 14-1008 and 14-1009 of the sign regulations. (Ord. #623-4-2001, May 2001)

**14-1012. Site plan review requirements.** In all instances where site plan review is a requirement of this ordinance, the type of sign or plan proposed to be a permanent part of such development shall be presented at that time and shown on the site plan submitted for review. (1988 Code, § 11-1012)

**14-1013. Permitted uses.** Signs shall comply with the following regulations:

(1) Residential signs.

- (a) Apartment complexes, churches, multi-family, townhouses, business in existing before annexation or zoning and schools in residential districts may have a single identification sign no to exceed thirty-two (32) square feet. Lots fronting on two (2) or more streets are allowed the permitted signage for each street frontage. Signage cannot be accumulated and used on one (1) street frontage.
- (b) Subdivisions may have two (2) residential signs per development entrance. Sign design, landscaping and agreement on how area is to be maintained, must be shown on all subdivision plats and approved by the planning commission.
- (c) Name plates are allowed in residential districts but must be limited to three (3) square feet.
- (d) Sign in all residential zones shall not exceed ten feet (10') in height.
- (e) Signs shall be placed outside the public right-of-way.
- (f) Sign shall not be allowed for a home occupational use.
- (g) Sign illumination shall be so arranged as to reflect light away from any adjoining residential property owners.

(2) Free standing signs.

- (a) Shall be allowed in B-1, B-2, B-3, B-4, M-1, and M-2 zones only.
- (b) Only one sign per business, per lot of record shall be allowed. The sign shall not exceed one hundred and fifty (150) square feet except in the B-4 district which the sign shall not exceed (50) square feet. (Ord. # 804-1-2015, February 2015)
- (c) Lots fronting on two (2) or more streets are allowed the permitted signage for each street frontage. Signage cannot be accumulated and used on one (1) street in excess of the allowed for lots with only one (1) street frontage.

- (d) Signs shall be placed outside the right-of-way.
  - (e) Maximum permitted height of signs shall not exceed thirty five feet (35') in height unless such yard is increased over the required minimum by five feet (5') for every fraction thereof, of additional height over thirty-five feet (35'), not to exceed sixty-five feet (65') however.
  - (f) Signs located over walkway or parking area shall not be closer than eight feet (8') above surface area.
  - (g) Signs adjoining residential districts shall be arranged as to reflect light away from any residential property owners.
- (3) Attached sign.
- (a) Shall be allowed in B-1, B-2, B-3, M-1 and M-2. (Ord. #804-1-2015, February 2015)
  - (b) Shall be allowed on each building side. Shall be no greater in area than twenty-five percent (25%) of the wall on which it is located.
  - (c) Business fronting on two (2) or more streets are allowed the permitted signage for each street frontage. Signage cannot be accumulated and used on one (1) street in excess of that allowed for business fronting on one (1) street.
  - (d) An awning or canopy with the business name or related information is defined to be an attached sign. All such awnings and canopies shall be structurally sound and approved by the building inspector. The lowest portion shall not be less than eight feet (8') above the ground.
  - (e) Awnings or canopies located within the B-3 Central Business District may extend over public right-of-way when complying with the following restrictions:
    - (i.) Shall not extend closer than two feet (2') to street curb or street pavement;
    - (ii.) Must be totally supported by building structure.
- (4) Mall grouping signs.
- (a) Shall be allowed in B-1, B-2 and B-3 zones.
  - (b) A sign designating a shopping or office center and its tenants shall have a maximum sign area of eighty (80) square feet plus fifteen (15) square feet for each tenant over two (2), not to exceed two hundred (200) square feet.
  - (c) Lots fronting on two (2) or more streets are allowed the permitted signage for each street frontage. Signage cannot be accumulated and used on one (1) street in excess of that allowed for lots with only one (1) street frontage.
  - (d) Maximum permitted height of signs shall not exceed thirty-five feet (35') in height unless such yard is increased over the required minimum by five feet (5') for every fraction thereof, of additional height over thirty-five feet (35'), not to exceed sixty-five feet (65') however.
  - (e) Signs adjoining residential districts shall be arranged as to reflect

light away from any residential property owners.

- (5) Billboard (off-premise) signs.
- (a) Shall be allowed in M-1 and M-2 zones only.
  - (b) Shall be located a distance of one-thousand feet (1,000') from any existing off-premises sign. All measurement required herein shall be made as a radius of any existing off-premises sign.
  - (c) Scaled site plans showing location, zone and distance from existing off-premises sign shall be submitted for review. (See § 14-901 for site plan procedures.)
  - (d) Shall be placed outside the public right-of-way.
  - (e) Shall not exceed thirty-five feet (35') in height unless such yard is increased over the required minimum by five feet (5'), or fraction thereof, of additional height over thirty-five feet (35'), not to exceed sixty-five feet (65') however.
  - (f) Shall not exceed three hundred eighty two (382) square feet in area per side and shall have no more than two (2) sides.
  - (g) The stacking or doubling of advertising sign on the same structures shall not be permitted.
  - (h) Billboard (off premise). Signs which continues without a message for twenty-four (24) months shall be declared an obsolete or abandoned sign as provided for in the City of Savannah Municipal Code. \*Advertising a sign for rent or lease does not constitute a message on an off-premises sign as provided herein.
  - (i) Signs adjoining residential districts shall be arranged as to reflect light away from any residential property owners.
- (6) Inflatable signs.
- (a) Shall not be allowed in any zone.
- (7) Projecting sign.
- (a) Shall be allowed in B-1, B-2, B-3, M-1 and M-2.
  - (b) Each business is limited to one (1) projecting sign per building face. It shall be no greater in area than twenty (20) square feet in area.
  - (c) Business fronting on two (2) or more streets or allowed the permitted signage for each street frontage. Signage cannot be accumulated and used on one (1) street in excess of that allowed for business fronting on one (1) street.
  - (d) The lowest portion shall not be less than nine feet (9') above the ground or surface below.
  - (e) Shall be placed outside the public right-of-way. EXCEPTION: Projection signs located within the B-3 Central Business District may be extended over the public right-of-way when complying with the following restrictions:
    - (i.) Shall not extend closer than two feet (2') to street curb or street pavement.

(ii.) Shall not extend above roofline of building.

(iii.) Shall not extend closer than seven feet (7') from any electrical power lines.

(8) Changing signs.

- (a) Shall be allowed in the following districts: B-1, B-2, B-3, M-1 and M-2.
- (b) Shall be allowed only one (1) changing sign not to exceed forty-eight (48) square feet which shall be counted towards the total allowable signage for the development.
- (c) Electrically activated changing sign shall include an automatic dimmer. The maximum allowable brightness of an electronic message board/animated sign shall not exceed four thousand (4,000) Nits during the hours between sunrise and sunset and one thousand (1,000) Nits after sunset and before sunrise. Owners must verify brightness of sign.
- (d) No permit for electronic messages board/animated sign shall be issued for any sign display that interferes with traffic signal devices as determined by the city staff.
- (e) Changing signs shall not be used for off-premise advertising.
- (f) Any display on a changing sign shall pause for a minimum of six seconds in duration.
- (g) Videos shall not be allowed.
- (h) May be displayed as a window sign and subject to all applicable provisions.
- (i) Must be displayed as a free standing sign.

(9) Sidewalk signs.

- (a) Shall be allowed in the B-3 (Central Business District).
- (b) One (1) such sign shall be allowed for each business establishment with a public entrance onto a public sidewalk, provided that such sign can be placed in a way that conforms with the other standards of this subsection;
- (c) The sidewalk sign shall be placed only on the sidewalk directly in front of the establishment;
- (d) A sidewalk sign shall be an A-frame
- (e) A sidewalk sign shall not be more than four feet (4') in height or two feet (2') in width;
- (f) A sidewalk sign shall be placed so that it does not block any public entrance or required emergency exit from a building and so that, when considering the sign in combination with other obstacles such as parking meters, street signs, newspaper vending boxes, fire hydrants, planters and bus stop benches, there is a clear passage of at least six feet (6');
- (g) A sidewalk sign may have two (2) faces, neither of which shall exceed six (6) square feet in area. If a sidewalk sign of this size cannot be placed in front of the establishment in such a way that it meets the requirements of the immediately preceding

paragraph, then the sidewalk sign shall be reduced in size to allow such standards to be met, or no sidewalk sign shall be allowed;

- (h) A sidewalk sign may contain provisions for manual changing of copy, including blackboards and whiteboards, but shall not include electronic changeable copy;
- (i) A sidewalk sign may be placed on the sidewalk only during hours when the establishment to which it pertains is open for business; a sidewalk sign located in front of a business that is not open shall be considered an abandoned sign and may be removed by City of Savannah without notice and without liability for its value;
- (j) A sidewalk sign may not be separately illuminated or electrified in any way; and
- (k) A sidewalk sign may bear any noncommercial message or a commercial message related to goods or services available in the premises that fronts on the sidewalk. (Ord. #623-4-2001, June 2001, as amended by Ord. #636-11-2001, Jan. 2002, Ord. #706-3-2007, May 2007, Ord. #711-9- 2007, Nov. 2007, and Ord. #743-6-2009, Aug. 2009)

**14-1014. Indemnity agreement.** An owner obtaining a permit for any sign shall agree to indemnify and hold harmless said City of Savannah, its agents, servants and employees from any and all liability arising out of any claim by anyone for injury to persons or property as the result of the placing of any sign in the City of Savannah wherein the City of Savannah is named in any suit concerning said sign, and shall agree to pay all costs and attorney's fees incurred by the City of Savannah in any such suit. This agreement shall be made a part of the permits application to be signed by owner as provided in § 14-1014. (1988 Code, § 11-1014)

## CHAPTER 11

### DEFINITIONS

#### SECTION

14-1101. Construction of language and definitions.

#### **14-1101. Construction of language and definitions.**

(1) Rules for construction of language. In the construction of this ordinance, the rules and definitions contained in this chapter shall be observed and applied, except when the context clearly indicates otherwise:

- (a) The particular shall control the general.
- (b) The word "shall" is always mandatory and not discretionary.
- (c) The word "may" is permissive.
- (d) The word "lot" shall include the words "piece" or "parcel."
- (e) The word "building" or "structure" includes all other structures, or parts thereof, of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintain for," and "occupied for."
- (f) In the case of any difference of meaning or implication between the text of this ordinance and any caption, illustration or table, the text shall control.
- (g) The word "permitted" or words "permitted as of right," means permitted without meeting the requirements for a conditional use by special permit pursuant to chapter of this ordinance, and all other applicable provisions.
- (h) Words used in the present tense shall include the future, and words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (i) All public officials, bodies and agencies to which reference is made are those of the City of Savannah, Tennessee.

(2) Definitions. Except where definitions are specifically included in various articles and sections, words in the text or tables of this ordinance shall be interpreted in accordance with the provisions set forth in this section. Where words have not been defined, the standard dictionary definition shall prevail.

- (a) "Abandoned sign--on premises." A sign which no longer advertises a bona fide business, lessor, owner, product or activity conducted or a product available on the premises where such sign is displayed.
- (b) "Abandoned sign--off premises." A sign which advertises goods, products, services or facilities which are no longer available to the public or which directs persons to a form location where such goods, products, services or facilities are no longer available.
- (c) "Accessory." An activity, use, building, or structure that is customarily associated with and is appropriately incidental and

subordinate to a principal activity, use, building, and/or structure and located on the same zone lot.

- (d) "Activity." The performance of function or operation which constitutes the use of land.
- (e) "Administrator." Refers to the federal flood insurance administrator, to whom the director has delegated the administration of the program.
- (f) "Adult oriented businesses." A commercial enterprise that exploits sex in one form or another comprising a large variety of sexually oriented businesses including movie theaters, bookstores, video rental outlets, houses of prostitution, escort agencies, massage parlors and topless/bottomless bars. Adult oriented business also refers to the materials or services that these businesses market including movies, videos, photographs, books, magazines, sexual devices as well as nude or semi-nude dancing and massages. The following are further definitions of specific adult oriented businesses and related terms:
  - (i.) Adult entertainment establishments:
    - (A) Adult arcade means an establishment where, for any form of consideration, one or more motion picture projectors, slide projectors or similar machines, for viewing by five (5) or fewer persons each are used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."
    - (B) Adult bookstore means an establishment which has as any of its stock-in-trade and offers for sale for any form of consideration any one (1) or more of the following:
      - (B1) Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slide or other visual presentations which are characterized by an emphasis of the depiction or description of "specified sexual activities" or "specified anatomical areas;" or
      - (B2) Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."
    - (C) Adult cabaret means a nightclub, bar, restaurant or similar establishment which regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by



"specified sexual activities," or films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."

- (D) Adult motel means a motel or similar establishment offering public accommodations for any form of consideration which provides patrons with closed circuit television transmission, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."
- (E) Adult motion picture theater means an establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."
- (F) Adult theater means a theater, concert hall, auditorium, or similar establishment which, for any form of consideration, regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
- (G) Massage parlor means an establishment where, for any form of consideration, massage, alcohol rub fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.
- (H) Sexual encounter establishment means an establishment, other than a hotel, motel or similar establishment offering public accommodations,

which, for any form of consideration, provides a place where two (2) or more persons may congregate, associate or consort in connection with "specified sexual activities" or the exposure of "specified anatomical areas." This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the state engages in sexual therapy.

(ii.) Specified anatomical areas means any of the following:

- (A) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola; or
- (B) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(iii.) Specified sexual activities means any of the following:

- (A) Human genitals in a state of sexual stimulation or arousal;
- (B) Acts of human masturbation, sexual intercourse or sodomy;
- (C) Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts;
- (D) Flagellation or torture in the context of a sexual relationship;
- (E) Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
- (F) Erotic touching, fondling or other such contact with an animal by a human being; or
- (G) Human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in subsections (A) through (F) above.

- (g) "Alley." A minor right-of-way, twenty feet (20') or less in width, dedicated to public use which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street and which may be used for public utility and public service purposes.
- (h) "Approach/Departure Path." The flight track helicopters follow when landing at or departing from a heliport.
- (i) "Attached sign." Any sign which is affixed directly to or otherwise inscribed or painted on a wall or parapet wall of any building or structure with the exposed face of the sign in a plane

approximately parallel to the plane of such wall and extending there from less than twelve inches (12").

- (j) "Automobile dead storage." Extended or dead storage of more than two (2) inoperable or junk automobiles or other types of vehicles (see also "junkyard").
- (k) "Automobile repair, services, and garages." Operations furnishing to the general public any or a combination of the following: automotive repair, rental, and leasing services; retail dispensing of vehicular fuels; sale, dispensing and installation of vehicular lubricants, tires and similar accessories; automobile parking; vehicular towing; accessory automobile dead storage, accessory to any above repair or towing use, not exceeding twenty-five (25) vehicles; excluding tire rebuilding, retreading, and recapping services, and principal use automobile dead storage. (Ord. #796-4-2014, May 2014)
- (l) "Base flood." See 100-hundred year flood.
- (m) "Basement." A story whose floor is more than twelve inches (12"), but not more than one-half (1/2) of its story height below the average level of the adjoining ground (as distinguished from a "cellar" which is a story more than one-half (1/2) below such level).
- (n) "Bed and breakfast inn." An incidental use of a single-family residence, said use being a part-time for profit endeavor providing tourist accommodations to guests for a period of time not to exceed seven (7) days and providing a home type atmosphere and which will be subject to the same licensing, inspection and taxation requirements as hotels and motels.
- (o) "Building." A structure, either temporary or permanent, having a roof or other covering, and designed or used for the shelter or enclosure of any person, animal or property of any kind, including tents, lunch wagons, dining cars, trailers, mobile homes, and similar awnings, or vehicles situated on private property and used for purposes of a building. Where roofed structures are separated from each other by party wall having no unprotected openings, each portion so separated shall be considered a separate building.
  - (i.) "Principal building." A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be the principal building on the lot on which the same is situated.
  - (ii.) "Accessory building." A subordinate building, the use of which is incidental to that of a principal building on the same lot. For the purpose of this ordinance, such structures shall include, but are not limited to storage sheds, workshops, satellite dishes and pads, and swimming pools, and unattached garages.

- (p) "Billboard (off premises) sign." A sign which directs attention to a business, commodity, service or entertainment conducted, sold, or offered elsewhere other than upon the same lot of record from which said sign is located.
- (q) "Boarding house." A building and accessories thereof principally used, designed or adapted to provide living accommodations for not more than six (6) occupants and having common cooking and dining facilities.
- (r) "Building height." The vertical distance from the highest point on a structure, excepting belfries, spires, flagpoles or antenna to the average ground level to the grade where the walls or other structural elements intersect the ground.
- (s) "Bulk." Describes the size of buildings or other structures and their relationship to each other and to open areas and lot lines, and therefore includes:
  - (i.) The size (including height and floor area) of buildings or other structures;
  - (ii.) The area of the zone lot upon which a building is located, and the number of dwelling units within residential buildings in relation to the area of the lot;
  - (iii.) The location of exterior walls of buildings or other structures in relation to lot lines, to other walls of the same building, to legally required windows, or to other structures; and
  - (iv.) All open areas relating to buildings or other structures and their relationship thereto.
- (t) "Canopy" or "awnings" means a structure made of cloth, metal or other materials with frames affixed to a building.
- (u) "Canopy sign." A sign painted on, printed on, or attached flat against the surface of an awning or canopy projecting from and supported by the exterior walls of a building.
- (v) "Cellar" (see basement).
- (w) "Changing sign." A sign with the capability of content change by means of manual or remote input, including signs which are:
  - (i.) Manually activated. Changeable sign whose message copy or content can be changed manually.
  - (ii.) Electrically activated. Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface.
    - (A) Nit. A unit of measurement of luminous intensity or brightness of electronic message boards as determined by the PR-650 Spectra Scan Colorimeter.
    - (B) Scrolling. A type of changing sign that uses change of lighting to create the appearance of words,

numbers, or objects moving across the face of the sign horizontally, vertically, or diagonally.

- (C) Video. The display or transmission of moving pictures (not animated) such as television images or video recordings.
- (x) "Clinic." An establishment where persons are given medical, dental or surgical treatment by one (1) but not more than four (4) physicians or dentists with no patients lodged overnight.
- (y) "Completely enclosed." Refers to a building or other structure having a roof, and separated on all sides from the adjacent open area or from other buildings or structures, by party walls or exterior walls, pierced only by windows or entrance and exit doors normally provided for persons, goods or vehicles.
- (z) "Conditional use." A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning division or district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning division or district as conditional uses, if specific provisions for such use is made in this ordinance.
- (aa) "Condominium." A multi-family building having ownership of individual dwelling units by individual occupants sharing common areas, grounds, and facilities.
- (bb) "Curb level." The mean of the elevations of the side lot lines extended to the street line.
- (cc) "Day care center." A facility operated by a person, social agency, corporation, association, or group that receives pay for the care of thirteen (13) or more children under seventeen (17) years of age for less than twenty-four (24) hours per day for care outside their own homes, without transfer of custody.
- (dd) "Day care home, group." A facility operated by a person, social agency, corporation, association, or group that receives pay for the care of eight (8) to twelve (12) children under seventeen (17) years of age for less than twenty-four (24) hours per day for care outside their own homes, without transfer of custody.
- (ee) "Day care home, family." A facility operated by any person or group of persons who receive pay for the care, without transfer of custody, of five (5), six (6), or seven (7) children under seventeen (17) years of age who are not related to the operator and whose parents or guardians are not residents of the home facility, for care less than twenty-four (24) hours per day. A home providing care for fewer than five (5) children will not be regulated by this ordinance.

- (ff) "Discontinuance." The termination or abandonment of the use or occupancy of a site, facility, building or structure of any legally established or permitted use.
- (gg) "Display surface area." The display surface shall mean and include the entire area of a single continuous perimeter enclosing the extreme limits of wording, representation, emblem or any figure of similar character, together with any material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. In any event, the supports, uprights, or decorative base shall not be included in determining the display surface area of a sign.
- (hh) "Dwelling, attached." A building not more than two (2) dwelling units, attached at the side or sides in a series of three (3) or more principal buildings, each containing not more than two (2) dwelling units. At points of attachment, such buildings shall be separated from each other by fire walls extending from footings through roofs two feet (2') which would prohibit the spread of fire from one building to another. Such buildings shall each have a separate lot with dimensions meeting regulations for the district requirements could be provided, in those required for provisions of separate lots. The term attached dwelling is intended to apply to townhouses, patio or atrium houses, or any form however termed which conforms to this definition.
- (ii) Dwelling, manufactured home." A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes the term "mobile home" does not include park trailers, travel trailers, and other similar vehicles.
- (jj) "Dwelling, mobile home." A detached, single-family dwelling unit with a permanent steel chassis possessing all of the following characteristics:
  - (i.) Designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower or bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
  - (ii.) Design to be transported after fabrication on its own wheels.
  - (iii.) Arriving at the site where it is to be occupied as a complete dwelling and ready for occupancy except for minor and incidental unpacking and assembly operations, location of foundation supports, connections to utilities and the like.

- (kk) "Dwelling, modular home." A single-family housing unit that is constructed basically as a conventionally built wood frame-house except it is built at a factory and is transported to the site on which it will be permanently located. The modular home shall not have a permanent steel chassis.
- (ll) "Dwelling, multi-family." A building containing three (3) or more dwelling units. The term includes cooperative apartments, condominiums and the like. For purposes of these regulations, regardless of how rental units are equipped, any multi-family dwelling in which units are available for rental partly on a monthly basis and partly for a shorter time period, but with less than thirty percent (30%) of the living units being occupied on a less-than-monthly basis, shall be considered a semi-transient activity.
- (mm) Dwelling, single-family." A building containing only one (1) dwelling unit. The term is general, including such specialized forms as single-family attached houses (town houses, patio and atrium houses and the like if containing only one (1) family). For regulatory purposes, the term is not to include mobile homes, travel trailers, housing mounted on self-propelled or drawn vehicles, tents or other forms of portable or temporary housing.
- (nn) "Dwelling, single-family detached." A single-family dwelling entirely separated from structures on adjacent lots.
- (oo) "Dwelling, two-family." A detached residential building containing two (2) dwelling units, designed for occupancy by not more than two (2) families.
- (pp) "Dwelling unit." A room or rooms connected together, constituting a separate independent housekeeping establishment for owner occupancy on a weekly or longer basis, physically separated from any other room or dwelling units, and containing independent cooking and sleeping facilities, provided that specially designed elderly and handicapped housekeeping units shall be included in this definition where appropriate congregate cooking facilities are provided in place of separate cooking facilities.
- (qq) "Elderly congregate living." A building, establishment, complex (or distinct part thereof providing elderly congregate group housing, containing individual dwelling units which may consist of one or more bedrooms, dining area, bathing and cooking facilities, or a combination thereof, provided that twenty-four (24) hour medical care and medical staffing is not required, and provided that limited medical care, meals and other services may be offered as a matter of convenience and not necessity. For the purpose of this ordinance, these type facilities shall be classified as multi-family dwellings.
- (rr) "Elderly assisted care." A building, establishment, complex or distinct part thereof providing elderly care and housing,

containing single rooms or other dwelling units which may consist of no more than bedroom and bathroom facilities, provided that twenty-four (24) hour medical care and medical staffing and other services are required or provided, regardless of the ambulatory status of the residents; and, provided further that one or more regular meals is required by state law, and/or as a condition of residency. For the purpose of this ordinance, these type facilities shall include short-term care facilities; nursing, convalescent and rest homes, and rehabilitation centers. These type facilities shall not be classified as multi-family dwellings.

- (ss) "Essential service." In the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical stream, or water transmission or distribution systems, collection, communications, supply or disposal systems including poles, wire, mains, drains, sewer, pipes, conducts, cables, traffic signals, hydrants and other similar drains, sewers, pipes, conducts, cables, traffic signals, hydrants, and other similar equipment and accessories in connection therewith but also including buildings or substations reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions, as for the public health or safety or general welfare.
- (tt) "Family." One (1) or more persons occupying a single housekeeping unit and using common cooking facilities.
- (uu) "Final Approach and Takeoff Area (FATO)." A defined area over which the final phase of the approach to a hover, or a landing is complete and from which the takeoff is initiated.
- (vv) "Flashing sign." Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. Automatic changing signs such as public service, time, temperature and date signs or electrically controlled message centers are classed as "changing signs," not "flashing signs."
- (ww) "Flood." A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of rivers or streams or the unusual and rapid accumulation of runoff of surface waters from any source.
- (xx) "Flood channel." A natural or artificial watercourse of perceptible extent, with a definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of the defined channel.
- (yy) "Flood fringe." See floodway fringe area.
- (zz) "Flood Hazard Boundary Map (FHBM)" means an official map of



a community, issued by the administrator, where the boundaries of the flood, mudslide (i.e., mudflow), and flood-related erosion areas having special hazards have been designated as zone A, M, and/or E.

- (aaa) "Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.
- (bbb) "Flood obstruction." Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire fence, rock, gravel, refuse, fill, structure or matter in, along, across, or projecting into any channel, water course, or regulator flood-hazard area which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.
- (ccc) "Floodplain." A relatively flat or low area adjoining a river or stream which is periodically subject to partial or complete inundation by floodwaters, or a low area subject to partial or complete inundation by floodwaters, or a low area subject to the unusual and rapid accumulation of runoff of surface waters from any source. For the purposes of this ordinance, the land subject to inundation by the 100-year flood, i.e., the 100-year flood plain.
- (ddd) "Flood profile." A graph or a longitudinal profile showing the relationship of the water-surface elevation of a flood event to location along a stream or river.
- (eee) "Floodproofing." Any combination of structural or non-structural additions, changes, or adjustments which reduces or eliminates flood damage to real estate, improved real property, water supply and sanitary sewer facilities, electrical systems, and structures and their contents.
- (fff) "Flood protection elevation." The elevation of the regulatory flood on all streams and waterways.
- (ggg) "Flood regulatory." The computed 100-year flood.
- (hhh) "Floodway." The stream channel and the portion of the adjacent floodplain which must be reserved solely for the passage of floodwaters in order to prevent an increase in upstream flood heights of more than one foot (1') above predevelopment conditions.
- (iii) "Floodway fringe area." Lands lying outside a designated floodway but within the area subject to inundation by the 100-year flood.
- (jjj) "Floor area." The total of the gross areas of all floors, including usable basements and cellars, below the roof and within the outer

surface of the main walls of principal or accessory buildings or the center lines of party walls separating such buildings or portions thereof, or within lines drawn parallel to two feet (2') within the roof line of any building or portion thereof without walls, but excluding the following:

- (i.) Areas used for off-street parking spaces or loading berths and driveways and maneuvering aisles relating thereto required in this ordinance.
  - (ii.) In the case of non-residential facilities: arcades, porticoes, and similar open areas which are located at or near street level, which are accessible to the general public, and which are not designed or used as sales, display, storage, service or production areas.
- (kkk) "Free standing sign." Any sign erected on a free standing frame, mast or pole and not attached to any building.
- (lll) "Group home." As defined by Tennessee Code Annotated, a single-family residence in which eight (8) or fewer unrelated mentally retarded, mentally handicapped or physically handicapped persons reside, and may include two (2) additional persons acting as house parents or guardian who need not be related to each other or to any of the mentally retarded, mentally handicapped or physically handicapped persons residing in the home. This does not apply to such family residences wherein handicapped persons reside when such residences are operated on a commercial basis.
- Any group home other than the above shall be considered multi-family.
- (mmm) "Height (of a sign)." The vertical distance measured from the highest point of the sign, excluding decorative embellishment, to the surface grade beneath the sign.
- (nnn) "Heliport." The area of land, water, or a structure used or intended to be used for the landing and takeoff of helicopters, together with appurtenant buildings and facilities.
- (ooo) "Historical Directional Sign." A burgundy and white sign providing direction to a recognized historical buildings or places. (Ord. #809-4-2015, May 2015)
- (ppp) "Historical Marker." A burgundy and white freestanding sign located at a recognized historical building or place. (Ord. #809-4-2015, May 2015)
- (qqq) "Historical Sign." A freestanding sign erected on or near the site of a location that is of historic significance for the purpose of promoting the historical significance of a building or place. (Ord. #809-4-2015, May 2015)
- (rrr) "Home occupation." An occupation conducted in a dwelling unit, provided that:

- (i.) No one other than members of the family residing on the premises shall be engaged in such occupation;
  - (ii.) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than fifteen percent (15%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
  - (iii.) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation.
  - (iv.) No home occupation shall be conducted in any accessory building;
  - (v.) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood;
  - (vi.) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family dwelling, or outside the dwelling unit if conducted in other than a single-family dwelling.
- (sss) "Illuminated sign." Any sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as part of the sign property.
- (ttt) "Incidental alterations."
- (i.) Changes or replacements in the nonstructural parts of a building or other structure, without being limited to the following examples:
    - (A) Alteration of interior partitions to improve livability in a nonconforming residential building, provided that no additional dwelling units are created;
    - (B) A minor addition to the exterior of a residential building, such as an open porch;
    - (C) Alterations of interior non-load-bearing partitions in all other types of building or other structures;
    - (D) Replacement of, or minor changes in, capacity of utility pipes, ducts, or conduits; or
  - (ii.) Changes or replacements in the structural parts of a building or other structure, limited to the following examples or others of similar character or extent:
    - (A) Making windows or doors in exterior walls;
    - (B) Replacement of building facades having non-load-bearing capacity;
    - (C) Strengthening the floor load-bearing capacity, in not

more than ten percent (10%) of the total floor area, to permit the accommodation of specialized machinery or equipment.

- (uuu) "Indirectly illuminated sign" shall mean any sign which reflects light from a source intentionally directed upon it--for example, by means of floodlights, gooseneck reflectors or externally mounted fluorescent light fixtures.
- (vvv) "Inflatable sign." A temporary inflated sign, which may be stationary or mobile, which is used to attract attention, which may or may not bear a message.
- (www) "Junk." Any scrap, waste, reclaimable material, or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, bailing, disposal, or other use or disposition.
- (xxx) "Junkyard." Any area, lot, land, parcel, building or structure, or part thereof, used for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal, or other scrap or discarded goods, materials, or machinery, or other type of junk, or any automobile dead storage. This definition shall not apply to any accessory use to a business, the purpose of such use being collection of material for recycling, provided that such material is either generated by a permitted use in any zone, such material considered as garbage and collected on a daily or weekly basis for disposal at a landfill.
- (yyy) "Land with incidental improvements." A tract of land which contains improvements including buildings or other structures having a total assessed valuation of five thousand dollars (\$5,000.00) or less.
- (zzz) "Landscaping." The planting and maintenance of trees, shrubs, lawns, and other ground cover or materials provided that terraces, fountains, retaining walls, street furniture sculptures, or other art objects, and similar accessory features may be included as landscaping if integrally designed.
- (aaaa) "Lot." For purposes of this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an approved public street, and may consist of:
  - (i.) A single lot of record;
  - (ii.) A portion of a lot of record provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.
- (bbbb) "Lot area." The entire area of a lot.

- (cccc) "Lot coverage." That portion of a lot which when viewed directly from above, would be covered by a building or any part of a building.
- (dddd) "Lot frontage." The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage and yards shall be provided as indicated under "yards."
- (eeee) "Lot line." A line marking the boundary of a given lot from a street, an alley, or adjacent lots.
- (ffff) "Lots line equivalent." A straight line established for the purpose of determining the location and depth or width of a required yard and which either:
  - (i.) Joins points specified in these regulations; or
  - (ii.) Is an extension of a street line or lot line?
- (gggg) "Lot measurements."
  - (i.) Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
  - (ii.) Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines of each side of the lot, measured across the rear of the reared front yard, provided however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty percent (80%) of the required lot width except in the case of lots on the turning circle of cul-de-sac where the eighty percent (80%) requirements shall not apply.
- (hhhh) "Lot of record." A lot which is part of a subdivision recorded in the office of the county register, or lot or parcel described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.
- (iiii) "Lot types." The diagram (Figure 1) on the following page illustrates terminology used in this ordinance with reference to corner lots, interior lots, reversed frontage lots and through lots:

In the diagram A—Corner Lot, defined as a lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines to the foremost points of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees. See lots marked (A) (1) in the diagram.

B-Interior Lot, defined as a lot other than a corner lot with only one (1) frontage on a street.

C-Through Lot, defined as a lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots.

D-Reversed Frontage Lot, defined as a lot on which the frontage is at right angles or approximately right angles (interior angle less than one hundred thirty-five (135) degrees) to the general pattern in the area. A reverse frontage lot may also be a corner lot (A-D in the diagram), an interior lot (B-D) or a through lot (C-D).

- (jjjj) "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.
- (kkkk) "Maintain" shall mean to permit a sign, structure or any part of each to continue or to repair or refurbish a sign, structure or any part of either.
- (llll) "Mall grouping sign." Any sign erected on a free standing frame, mast or pole and not attached to a building, identifying a group of stores, businesses, or professional offices located in one development, situated upon one (1) lot of record. These include office center signs and shopping center signs.
- (mmmm) "Mini-warehouse." A structure containing separate storage spaces of not greater than four hundred (400) square feet per storage space, with each space leased or rented on an individual basis.
- (nnnn) "Mobile homes." See dwelling, mobile homes.
- (oooo) "Mobile home park." An area where three (3) or more mobile homes or trailers can be and are intended to be parked, designed or intended to be used as temporary or permanent living facilities for two (2) or more families.
- (pppp) "Mobile home space." A plot of ground within a mobile home park, designed to accommodate one (1) mobile home, and which has water, sewer and electricity available at the space.
- (qqqq) "Mobile home stand." That part of an individual mobile home space which has been reserved for the placement of the mobile home.
- (rrrr) "Motor vehicle fuel outlet." Any facility which provides the retail sale of any motor vehicle fuels.
- (ssss) "New construction" means structures for which the "start of construction" commenced on or after the effective date of this ordinance.
- (tttt) "Non-complying."
  - (i.) Any lawful building or other structure which does not comply with any one (1) or more of the applicable bulk regulations; or

- (ii.) Any lawful use other than a nonconforming use, which does not comply with any part of any one (1) or more of the applicable regulations pertaining to:
    - (A) Location along district boundary; or
    - (B) Accessory off-street parking and loading; either on the effective date of this ordinance or as a result of any subsequent amendment.
- (uuuu) "Nonconforming sign." Any advertising structure or sign which was lawfully erected and maintained prior to such time as it came within the purview of this ordinance and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this code.
- (vvvv) "Nonconforming use." A lawful use of a building or other structure or of a tract of land which does not conform to any one (1) or more of the applicable use regulations of the district in which it is located, either on the effective date of this ordinance or as a result of any subsequent amendment.
- (wwww) "Nonconforming structure." A structure which was lawfully constructed prior to enactment or amendment of this ordinance that does not conform with the provisions of this ordinance for the district in which it is located.
- (xxxx) "One-hundred year flood (base flood)." A flood which has, on the average a one percent (1%) chance of being equaled or exceeded in any given year. It is sometimes referred to as the "1-percent chance flood."
- (yyyy) "Owner." The title owner and his agents and assignees.
- (zzzz) "Person." An individual, firm, partnership, corporation, cooperatives, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or their representative.
- (aaaa) "Principal building structure." See building.
- (bbbb) "Portable sign." Any sign which was originally designed to be movable regardless of anchoring and which may have one (1) or more of the following characteristics:
  - (i.) Conveys its message by means of marquee type changeable copy letters and figures over a translucent background.
  - (ii.) Accompanied by a directional arrow on top.
  - (iii.) Illuminated from within (backlit).
  - (iv.) Contain a row of exposed lights around the perimeter frame of the sign.
- (cccc) "Profession (professional office)." The term profession, as used in this ordinance, is limited in its application to physicians and surgeons, lawyers, dentists, members of the clergy, architects, and engineers, or other persons holding advanced degrees from institutions of higher learning in the field in which they practice.

- (ddddd) "Projecting sign." Any sign other than a flat wall sign, which is affixed to or mounted on a wall or parapet wall of any building or structure not specifically designed to support the sign such that the exposed face of the sign projects outward there from more than twelve inches (12") at any angle.
- (eeee) "Recyclable materials." Solid waste that can be processed and returned to the economic mainstream in the form of raw materials or products. "Recyclable materials" includes, but is not limited to: Newspaper, paper, corrugated cardboard, aluminum, glass, metal, plastic, wood, oils, tin, and steel cans.
- (ffff) "Recycling collection facility." A center for the acceptance by donation redemption, or purchase or recyclable materials from the public. The center must receive, store, and process only source separated recyclables for which there is an available market to be permitted as a recycling center. The term "Recycling Center" does not include;
- (i.) Junkyards (automobile dead storage)
  - (ii.) Convenience centers
  - (iii.) Drop off bins
  - (iv.) Agricultural facility
  - (v.) Hazardous waste
- (gggg) "Required yard." That portion of a lot that is required by the specific district regulation to be open from the ground to the sky and may contain only explicitly listed obstructions.
- (hhhh) "Residence." A building or part of a building containing one (1) or more dwelling units or rooming units, including single-family or two-family houses, multiple dwellings, or apartment hotels. However, residences do not include:
- (i.) Such transient accommodations as transient hotels, motels, tourist homes, or similar establishments; or
  - (ii.) Dormitories, fraternity or sorority houses, monasteries, or convents, or similar establishments containing group living or sleeping accommodations; or
  - (iii.) Nurses' residences, sanitariums, nursing homes, convalescent homes, rest homes, or other sleeping or living accommodations in community facility buildings or portions of buildings used for community facilities; or
  - (iv.) In a mixed building, that part of the building used for any non-residential uses, except uses accessory to residential uses.
- (iiii) "Restaurant." An establishment where food is ordered, prepared and served for pay.
- (jjjj) "Sandwich sign." An advertising or business ground sign constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top; each angular face held at an appropriate distance by a supporting member.



- (kkkkk) "Semi-transient residential establishment." An establishment where lodging is provided for compensation partly on a monthly or longer basis and partly for a shorter time period, but with less than thirty percent (30%) of the living units being occupied on a less-than monthly basis, but excluding institutions living arrangements involving the provision of specific kinds of forced residences, such as nursing homes, orphanages, asylums, and prisons.
- (lllll) "Service stations." A place where the main business is the care and maintenance of cars, trucks, tractors and other vehicles, not to include grocery business which provide gasoline purchases.
- (mmmmm) "Setback line." A line running parallel to the street which establishes the minimum distance the principal building must be setback from the street line.
- (nnnnn) "Sidewalk sign." A moveable sign not secured or attached to the ground or surface upon which it is located, but supported by its own frame and most often forming the cross-sectional shape of an A. (Also known as a sandwich sign.)
- (ooooo) "Sign" shall mean and include every sign, billboard, ground sign, wall sign, roof sign, illuminated sign, projecting sign, marquee and canopy, and shall include any announcement, declaration, demonstration, display, illustration or insignia used to advertise or promote the interest of any person when the same is placed out of doors in view of the general public.
- (ppppp) "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty (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, installation of piles, 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.
- (qqqqq) "State coordinating agency" is a reference to the Local Planning Assistance Office of the Department of Economic and Community Development of the State of Tennessee.
- (rrrrr) "Story." A portion of a building between the surface of any floor and the surface of the floor next above it, or, if there is no floor

above it, the space between such floor and the ceiling next above it, provided that the following shall not be deemed a story:

- (i.) A basement or cellar if the finished floor level directly above is not more than six feet (6') above the average adjoining elevation of finished grade.
  - (ii.) An attic or similar space under a gable, hip or gambrel roof, the wall plates or any exterior walls are not more than two feet (2') above the floor or such space.
- (sssss) "Street." A publicly maintained right-of-way, other than an alley, which affords a primary means of access to abutting property. The word "street" shall include the words "road," "highway," and "thoroughfare."
- (ttttt) "Street line." The property line which bounds the right-of-way set aside for use as a street. Where sidewalks exist and the location of the property line is questioned, the side of the sidewalk furthest from the traveled street shall be considered as the street line.
- (uuuuu) "Structure." Anything constructed or erected, the use of which requires a permanent location on the ground or attachment to something having a permanent location on the ground. This includes but is not limited to buildings, towers, smokestacks and over-head transmission lines.
- (vvvvv) "Substantial improvement" means any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during, in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure. The market value of the structure should be:
- (i.) The appraised value of the structure prior to the start of the initial repair or improvement; or
  - (ii.) In the case of damage, the value of the structure prior to the damage occurring.
- For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the 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 conditions.
- (wwwww) "Telecommunication tower." Any system of wires, poles, rods, reflecting discs, or similar devices that exceed a height of twenty feet (20'), are not constructed upon a residential structure and are used for the transmission or reception of electromagnetic waves.
- (xxxxx) "Total floor area." The area of all floors of a building including finished attics, finished basements and covered porches.

- (yyyyy) "Townhouse." A townhouse dwelling is an attached single-family dwelling constructed in a row of three (3) to eight (8) single-family dwellings, each dwelling being separated from the adjoining dwellings in each story by a two (2) hour rated masonry fire wall, with no penetrations such wall extended through the roof, two feet (2') and each dwelling having independent access to the exterior in the ground story.
- (zzzzz) "Travel trailer." A travel trailer, pick-up camper, converted bus, tent-trailer, tent or similar device used for temporary portable housing or a unit which:
- (i.) Can operate independent of connections to external sewer, water and electrical systems;
  - (ii.) Contains water storage facilities and may contain a lavatory, kitchen sink and/or bath facilities; and/or
  - (iii.) Is identified by the manufacturer as a travel trailer and/or is designed as a travel trailer.
- (aaaaaa) "Travel trailer park." Any plot of ground upon which two (2) or more travel trailers, occupied for camping or periods of short stay, are located.
- (bbbbbb) "Unlawful sign" shall mean any sign which contravenes this ordinance or which the building inspector may declare as unlawful if it becomes dangerous to public safety by reasons of dilapidation or abandonment or non-conforming sign for which a permit required under a previous code was not obtained.
- (ccccc) "Use." The purpose for which land or water or a structure thereon is designed, arranged, and intended to be occupied or utilized or for which it is occupied or maintained.
- (dddddd) "Use and occupancy permit." A written permit issued by the building inspector required before occupying or commencing to use any building or other structure or any lot.
- (eeeeee) "Use, public." Any use that is under control of a unit of general purpose government or governmental agency.
- (ffffff) "Use, recreation." Any use of land or water and facilities provided for the enjoyment of the general public.
- (gggggg) "Use, semi-public." Any use that is under the control of a non-private organization or a non-governmental agency which provides a public service.
- (hhhhhh) "Vehicle mounted sign." Any sign painted on or attached to a vehicle relating to the business, activity, use, service or product of the owner of the vehicle, or to the sale of the vehicle and which sign is incidental to the primary use of the vehicle.
- (iiiiii) "Window Sign." Any on premise business sign installed in or on a window and intended to be viewed from the outside.
- (jjjjjj) "Yard." An open space on the same lot with a principal building, open, unoccupied and obstructed by buildings from the ground to the sky except as otherwise provided in this ordinance. The

measurement of a yard shall be construed as the minimum horizontal distance between the lot lines and any part of the building, such as roof overhang.

(kkkkkk) "Yard, front." A yard extending across the entire width of the lot between the lot line and the nearest part of the principal building, including covered porches. At least two (2) such yards shall be designated for each corner lot and each through lot, and at least three (3) such yards shall be designated for each through corner lot.

(lllll) "Yard, side." A yard extending along the side lot line from the front yard to the rear yard, and lying between the side lot line and the nearest part of the principal building, including covered porches.

(mmmmm) "Yard, rear." The yard extending across the entire width of the lot between the rear lot line and the nearest point of the principal building including covered porches. (1988 Code, § 11-1101, as amended by Ord. #623-4-2001, June 2001, Ord. #706-3-2007, May 2007, Ord. #711-9-2007, Nov. 2007, and Ord. #743-6-2009, Aug. 2009)

## CHAPTER 12

### EXCEPTIONS AND MODIFICATIONS

#### SECTION

- 14-1201. Lot of record.
- 14-1202. Front yards.
- 14-1203. Group housing project.

**14-1201. Lot of record.** Where the owner of a lot consisting of one (1) or more adjacent lots of official record at the time of the adoption of this ordinance, does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, as application may be submitted to the board of zoning appeals for a variance from the terms of this ordinance, as application may be submitted to the board of zoning appeals for a variance from the terms of this ordinance, in accordance with § 14-1404. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as is possible in the opinion of the board of zoning appeals. (1988 Code, § 11-1201)

**14-1202. Front yards.** The front yard requirements of this ordinance for dwellings shall not apply to any lot where the average depth of existing front yards on developed lots, located within one hundred feet (100') on each side of such lot and within the same block and zoning district and fronting on the same street as such lots, is less than the minimum required front yard depth. In such case, the minimum front yard shall be the average of the existing front yard depths on the developed lots. (1988 Code, § 11-1202)

**14-1203. Group housing project.** In the case of a group housing project two (2) or more buildings to be construed on a plot of ground not subdivided into the customary street and lots, and which will not be subdivided or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this ordinance to the individual building units in such housing projects, the application of the terms of this ordinance may be varied by the board of zoning appeals in a manner that will be in harmony with the character of the neighborhood, will insure substantially the same character of occupancy and an intensity of land use not higher and a standard of open space no lower than proposed project is to be located. However, in no case shall the board of zoning appeals authorize a use prohibited in the district in which the project is to be located, or a smaller area per family than the minimum required in such district, or a greater height, or a larger coverage than the requirements of this ordinance permit in such district. (1988 Code, § 11-1203)

## CHAPTER 13

### ENFORCEMENT

#### SECTION

- 14-1301. Enforcing officer.
- 14-1302. Building permits.
- 14-1303. Revocation of permits.
- 14-1304. Penalties.
- 14-1305. Remedies.

**14-1301. Enforcing officer.** The provisions of this ordinance shall be administered and enforced by a building inspector, or designee appointed by the Savannah City Manager who shall have the power to make inspection of buildings or premises necessary to carry out his duties in the enforcement of this ordinance. (1988 Code, § 11-1301)

**14-1302. Building permits.**

(1) Building permit required. It shall be unlawful to commence the excavation for the construction of any building, including accessory buildings, or to commence the moving or alteration of any building, including accessory buildings until the building inspector has issued a building permit for such work.

(2) Issuance of building permit. In applying to the building inspector for a building permit, the applicant shall submit a dimensional sketch, a scale plan or site plan indicating the shape, size, height and location on the lot of all buildings to be erected, altered or moved and any building already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information for determining whether the proposed excavation or construction as set forth in the application are in conformity with the provisions of this ordinance and other ordinances of the City of Savannah, Tennessee, then in force, the building inspector shall issue a building permit for such excavation or construction upon payment of the required fee. If a building permit is refused, the building inspector shall state such refusal in writing with the cause.

(a) The issuance of a permit shall in no case be construed as waiving any provisions of this ordinance.

(b) A building permit shall become void six (6) months from the date of issuance unless substantial progress has been made by that date on the project described therein.

(3) Records. A complete record of such application, sketches, and plans shall be maintained in the office of the building inspector. (1988 Code, § 11-1302)

**14-1303. Revocation of permits.** The building inspector is hereby authorized and empowered to revoke any permit issued by him or to whomsoever designated upon failure of the holder thereof to comply with any provision of this ordinance. (1988 Code, § 11-1303)

**14-1304. Penalties.** Any person violating any provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00) for each offense. Each day such violation shall continue shall constitute a separate offense. (1988 Code, § 11-1304)

**14-1305. Remedies.** In case any building, structure or land is used, erected, constructed, or reconstructed, repaired, converted, or maintained in violation of this ordinance, the building inspector or any other appropriate authority, or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies may institute injunction, mandamus or other appropriate action or proceedings to prevent the occupancy or use of such building, structure or land. If the city building inspector determines that under the circumstances of the violation that it is necessary for the city to approach a court of law or equity to redress the wrong, then said permittee who is found to be in the wrong under such civil action shall, in addition to paying all reasonable court costs, will pay reasonable attorney's fees to the City of Savannah. (1988 Code, § 11-1305)

## CHAPTER 14

### BOARD OF ZONING APPEALS

#### SECTION

- 14-1401. Creation and appointment.
- 14-1402. Procedure.
- 14-1403. Appeals; how taken.
- 14-1404. Power.

**14-1401. Creation and appointment.** A board of zoning appeals is hereby established in accordance with Tennessee Code Annotated, § 13-7-205. The Savannah Board of Zoning Appeals shall consist of five (5) members who shall also serve as the Savannah Municipal-Regional Planning Commission. (1988 Code, § 11-1401)

**14-1402. Procedure.** Meetings of the board of zoning appeals shall be held at the call of the chairman, and at such other times as the board may determine. All meetings of the board shall be open to the public. The board shall adopt rules of procedures and shall keep records of applications and action thereon, which shall be a public record. (1988 Code, § 11-1402)

**14-1403. Appeals; how taken.** Appeals to the board of zoning appeals may be taken by any persons aggrieved, or by any officer, department, board or bureau of the municipality affected by any grant or refusal of a building permit or other act or decision of the building inspector of the municipality or other administrative official based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the board of zoning appeals a notice of appeal, specifying the grounds thereof and application fee of seventy- five dollars (\$75.00). The building inspector shall transmit to the board all papers constituting the record upon which the action appeals was taken. The board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as sue notice to the parties in interest, and decide the same within a reasonable time which shall not be more than fifteen (15) days from the date of the hearing. Upon the hearing, any person or party may appear and be heard in person or by agent or by attorney. (1988 Code, § 11-1403)

**14-1404. Power.** The board of zoning appeals shall have the following powers:

- (1) To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by the building inspector or other administrative official in the carrying out or enforcement of any provision of this ordinance.
- (2) To interpret the official zoning map where questions of digestion arise.



(3) Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property which at the time of the adoption of this ordinance was a lot of record; or where by reason of exceptional topographic conditions or other extraordinary or exceptional situations or conditions of a piece of property where the strict application of the provisions of this ordinance would result in exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without detriment to the public good and the intent and purpose of this ordinance. Financial disadvantage to the property owner is no proof of hardship within the purpose of zoning.

(a) In granting a variance the board may attach thereto such - conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purpose of this ordinance.

(b) Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.

(4) Allow in accordance with the following procedure the uses designated as permitted on approval of the board of zoning appeals provided that:

(a) All provisions set forth in the appropriate zoning district are met and;

(b) All special provisions set forth in this section are met.

(5) Any applicant for the use permitted on appeal of the board of zoning appeals shall submit a site plan to the board of zoning appeals showing the development concept for the tract.

The site plan shall:

(a) Be drawn to a scale of one inch equals one hundred feet (1"=100')

(b) Include the following:

(i.) Existing road;

(ii.) The zoning of adjacent tracts;

(iii.) Proposed curb cuts, drives, parking areas, and drainage;

(iv.) The names of the owners of all adjoining lots or tracts;

(v.) Building lines and the location of all structures;

(vi.) Landscaped buffer areas and planting screens to protect adjoining property;

(vii.) Proposed lighting and measures taken to prevent its adverse impact on adjoining property.

(c) Include all requirements for site plan review in the special provisions (site plan review) chapter of this ordinance. (1988 Code, § 11-1404)

## CHAPTER 15

### AMENDMENT

#### SECTION

- 14-1501. Zoning amendment petition.
- 14-1502. Planning commission review.
- 14-1503. Public hearing on proposed amendment.
- 14-1504. Amendment fee.

**14-1501. Zoning amendment petition.** The City Commission of Savannah, Tennessee, may amend the regulations, restrictions, boundaries, or any provision of this ordinance. Any member of the city commission may introduce such amendment, or any official board or any other person may present a petition to the city commission requesting an amendment or amendments to this ordinance. (1988 Code, § 11-1501)

**14-1502. Planning commission review.** No such amendment shall become effective unless the same be first submitted for approval, disapproval or suggestions to the city planning commission. If the city planning commission, within thirty (30) days after such submission disapproves, it shall require the favorable vote of a majority of the entire membership of the city commission to become effective. If the city planning commission neither approves nor disapproves such proposed amendment within thirty-five (35) days after such submission, the absence of action shall be considered as approval of the proposed amendment. (1988 Code, § 11-1502)

**14-1503. Public hearing on proposed amendment.** Upon the introduction of an amendment to this ordinance or upon the receipt of a petition to amend this ordinance, the city commission shall publish a notice of such request for an amendment together with the notice of time set for hearing by the city commission on the requested change. Said notice shall be published in some newspaper of general circulation in the City of Savannah, Tennessee. Said hearing by the city commission shall take place not sooner than fifteen (15) days after the date of publication of such notice. (1988 Code, § 11-1503)

**14-1504. Amendment fee.** Upon presentation of a zoning amendment a fee of seventy-five dollars (\$75.00) will be paid to the City of Savannah. The fee is to defray the expense of hearing the proposed amendment and is fully earned upon petition. (1988 Code, § 11-1504)

## CHAPTER 16

### LEGAL STATUS PROVISIONS

#### SECTION

14-1601. Conflict with other ordinances.

14-1602. Validity.

14-1603. Effective date.

**14-1601. Conflict with other ordinances.** In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the City of Savannah, the most restrictive shall in all cases apply. (1988 Code, § 11-1601)

**14-1602. Validity.** If any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional. (1988 Code, § 11-1602)

**14-1603. Effective date.** This ordinance shall take and be in force fifteen (15) days from and after its passage, the public welfare demanding it. (1988 Code, § 11-1603)

## CHAPTER 17

### MOBILE HOMES, PARKS; TRAVEL TRAILERS, PARKS

#### SECTION

- 14-1701. Definitions as used in this chapter.
- 14-1702. Regulating mobile homes.
- 14-1703. Regulating mobile home parks.
- 14-1704. Regulating travel trailers and travel trailer parks.
- 14-1705. Permits.
- 14-1706. Application for permit.
- 14-1707. Enforcement.
- 14-1708. Appeals.
- 14-1709. Violations and penalty.
- 14-1710. Conflicts with other ordinances or regulations.

**14-1701. Definitions as used in this chapter.** Except as specifically defined herein, all words used in this chapter have their customary dictionary definitions where not inconsistent with the context. For the purpose of this chapter certain words or terms are defined as follows:

The term "shall" is mandatory.

When not inconsistent with the context, words used in the singular number include the plural and those used in the plural number include the singular.

Words used in the present tense include the future.

- (1) "Health officer." The director of a city, county or district health department having jurisdiction over the community health in a specific area or his duly authorized representative.
- (2) "Mobile home (trailer)." A detached single-family dwelling unit with any or all of the following characteristics:
  - (a) Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
  - (b) Designed to be transported after fabrication on its own wheels, or on a flatbed or other trailer or detachable wheels.
  - (c) Arriving at the site where it is to be occupied as a complete dwelling including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location of foundation supports, connection to utilities and the like.
- (3) "Mobile home park." The term "mobile home park" shall mean any plot of ground within the City of Savannah on which three (3) or more mobile homes, occupied for dwelling or sleeping purposes, are located.
- (4) "Mobile home space." The term shall mean a plot of ground within a mobile home park designated for the accommodation of one (1) mobile home.

(5) "Permit ("license")." A permit is required for mobile home parks and travel trailer parks. Fees charged under the permit requirement are for inspection and the administration of this chapter.

(6) "Travel trailer." A travel trailer, pick-up camper, converted bus, tent, or similar device used for temporary portable housing or a unit which:

- (a) Can operate independent of connections to external sewer, water and electrical systems;
- (b) Contains water storage facilities and may contain a lavatory, kitchen sink and/or bath facilities; and/or
- (c) Is identified by the manufacture as a travel trailer.

(7) "Travel trailer park." The term travel trailer park shall mean any plot of ground within the City of Savannah of which two (2) or more travel trailers occupied for camping or periods of short stay, are located. (1988 Code, § 5-401)

#### **14-1702. Regulating mobile homes.**

(1) It shall be unlawful for any mobile home to be used, stored, or placed on any lot or serviced by the utilities of the city where the mobile home is outside of any designated and licensed mobile home park after the date of passage of this chapter, excepting mobile homes located on a licensed mobile home sales lot, and except as provided in § 14-1702(2), and except as allowed by the Savannah Zoning Ordinance.<sup>1</sup>

(2) Any mobile home already placed on a lot on or before the date of passage of this chapter will be permitted to remain at its present location. Any mobile home site at any location with utility connections and other facilities constructed specifically for utilization as a permanent mobile home parking site, in existence prior to the date of passage of this chapter, shall be permitted to be utilized for parking and servicing mobile homes hereafter. If the present mobile home shall remain vacant for a period of one (1) year, the mobile home owner shall be given, at the end of that year, a period not to exceed sixty (60) days in which to remove the mobile home and to comply with all provisions of this chapter.

(3) No mobile home shall be used, placed, stored or serviced by utilities within the City of Savannah within any mobile home park in the city unless there is posted near the door of the mobile home a valid Tennessee State License. (1988 Code, § 5-402)

#### **14-1703. Regulating mobile home parks.**

(1) Permit for mobile home park. No place site within the city shall be established or maintained by any person, group of persons, or corporation as mobile home park unless he holds a valid permit issued by the city building inspector in the name of such person for the specific mobile home park. The city building inspector is authorized to issue, suspend, or revoke permits in accordance with the provisions of this chapter (see §§ 14-1705 and 14-1707).

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<sup>1</sup>See title 14, chapters 2 through 16, which comprise the zoning ordinance

Mobile home parks in existence as of the effective date of this chapter shall be required to obtain a mobile home park permit. Pre-existing mobile home parks which cannot comply with the requirements regarding mobile home parks shall be considered as a non-conforming use.

Said pre-existing mobile home parks shall comply with all state regulations applicable thereto which were in force prior to the establishment of said mobile home park.

(2) Inspections by city building inspector. The city building inspector is hereby authorized and directed to make inspections to determine the condition of mobile home parks, in order that he may perform his duty of safeguarding the health and safety of occupants of mobile home parks and of the general public. The city building inspector shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter.

(3) Length of occupancy. No mobile home space shall be rented in any mobile home park except for periods of sixty (60) days.

(4) Code compliance. No mobile home shall be admitted to any park unless it can be demonstrated that it meets the requirements of the American Standards Association Code Provision A-119.1 - 1963; American Standard for Installation in Mobile Homes Manufacturer's Association Mobile Home Standards for plumbing, heating and electrical systems or any state administered code insuring equal or better plumbing, heating and electrical systems.

(5) Location and planning. The mobile home park shall be located on a well-drained site and shall be so located that its drainage will not endanger any water supply and shall be in conformity with a plan approved by the city planning commission and shall be located in districts as specified in the Zoning Ordinance of the City of Savannah.

(6) Minimum size of mobile home park. The trace of land for the mobile home park shall comprise an area of not less than two (2) acres. The tract of land shall consist of a single plot so dimensioned and related as to facilitate efficient design and management.

(7) Minimum number of spaces. Minimum number of spaces completed and ready for occupancy before first occupancy is three (3).

(8) Minimum mobile home space and spacing of mobile homes. Each mobile home space shall be adequate for the type of facility occupying the same. Mobile homes shall be parked on each space so that there will be at least fifteen feet (15') of open space between mobile homes or any attachment such as a garage or porch, 1 and at least fifteen feet (15') end to end spacing between trailers and any building or structure, twenty feet (20') between any trailer and property line and thirty-five feet (35') from the right-of-way of any public street or highway. In addition, each mobile home space shall contain:

- (a) A minimum lot area of five thousand (5,000) square feet;
- (b) A minimum depth with end parking of an automobile equal to the length of the mobile home plus thirty feet (30'); and
- (c) A minimum depth with side or street parking equal to the length of the mobile home plus fifteen feet (15'); and

(d) A minimum width of at least fifty feet (50') and a minimum depth of at least one hundred feet (100').

(9) Water supply. When a public water supply is available, it shall be used exclusively. The development of an independent water supply to serve the mobile home park shall be made only after written approval of plans and specifications has been granted by the county health officer. In those instances where an independent system is approved, the water shall be from a supply properly located, protected, operated, and shall be adequate in quantity and approved in quality. Samples of water for bacteriological examination shall be taken before the initial approval of the physical structure and thereafter at least every four (4) months and when any repair or alteration of the water supply system has been made. If a positive supply is obtained, it will be the responsibility of the mobile home park operator to provide such treatment as is deemed necessary by the health officer to maintain a safe, potable water supply. Water shall be furnished at the minimum capacity of two hundred and fifty (250) gallons per day per mobile home space. An individual water service connection shall be provided for each mobile home space.

(10) Sewage disposal. An adequate sewage disposal system must be provided and must be approved in writing by the health officer. Each mobile home space shall be equipped with at least a four inch (4") sewer connection trapped below the frost line and reaching at least four inches (4") above the surface of the ground. The sewer connection shall be protected by a concrete collar, at least three inches (3") deep and extending twelve inches (12") from the connection in all directions. All sewer lines shall be laid in trenches separated at least ten feet (10') horizontally from any drinking water supply line. No mobile home park shall be operated within the City of Savannah that is not connected to the public sewage disposal system.

(11) Refuse. The storage, collection and disposal of refuse, in the park shall be so managed as to create no health hazard. All refuse shall be stored in fly proof, water tight and rodent proof containers. Satisfactory container racks or holders shall be provided. Garbage shall be collected and disposed of in an approved manner at least once per week.

(12) Illumination. The park shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights as will provide for the safe movement of pedestrians and vehicles at night.

(13) Parking space. Car parking spaces shall be provided in sufficient number to meet the needs of the occupants of the property and their guests without interference with normal movement of traffic. Such facilities shall be provided at

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<sup>1</sup>If the construction of additional rooms or covered areas is to be allowed beside the mobile homes, the mobile home spaces shall be made wider to accommodate such construction in order to maintain the required fifteen feet (15') of open space

the rate of at least two (2) car spaces for each mobile home lot to provide for guest parking, for two (2) car tenants and for delivery and service vehicles. Car parking spaces shall be located for convenience access to the mobile home spaces. The size of the individual parking spaces shall have a minimum width of not less than ten feet (10'); and length of not less than twenty feet (20'). The parking spaces shall be located so access can be gained only from internal streets of the mobile home park.

(14) Buffer strip. An evergreen buffer strip consisting of trees, shrub or hedge which will grow to a height of not less than ten feet (10') and be spaced not less than ten feet (10') apart shall be planted along all boundaries of the mobile home park. (1988 Code, § 5-403)

**14-1704. Regulating travel trailers and travel trailer parks.**

(1) It shall be unlawful for any travel trailer to be occupied or serviced outside of any properly designated travel trailer park. These provisions shall not apply to the storage of travel trailers provided the trailer unit is neither temporarily or permanently occupied as a dwelling unit while within the city limits.

(2) Permit for travel trailer park. No place or site within the city shall be established or maintained by any person, group of persons, or corporation as a travel trailer park unless he holds a valid permit issued by the city building inspector in the name of such person or persons for the specific travel trailer park. The city building inspector is authorized to issue, suspend, or revoke permits in accordance with the provisions of this chapter.

(3) Inspections by city building inspector or county health officer. The city building inspector or county health officer is hereby authorized and directed to make inspections to determine the condition of travel trailer parks, in order that he may perform his duty of safeguarding the health and safety of the occupants of travel parks and of the general public. The building inspector or county health officer shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter.

(4) Length of occupancy. Travel trailer spaces shall be rented by the day or week only, and the occupants of such space shall remain in the same travel trailer park not more than fourteen (14) days.

(5) Location. Travel trailer parks shall be located in districts as specified in the Zoning Ordinance of the City of Savannah.

(6) Minimum size of travel trailer space. Each travel trailer space shall have a minimum width of thirty feet (30') and a minimum length of fifty feet (50').

(7) Site planning improvements shall conform to the standards established in Regulations VI-XX of the State Regulations Governing the Construction, Operation and Maintenance of Organized Camps in Tennessee, as provided in chapter 65, Public Acts of 1965. (1988 Code, § 5-404)

**14-1705. Permits.** The following requirements for permits shall apply to any mobile home park and travel trailer park within the corporate limits of the city.



(1) Mobile home parks. It shall be unlawful for any person or persons to maintain or operate, within the corporate limits of the city any mobile home park unless such person or persons shall first obtain a permit therefor.

(2) Travel trailer park. It shall be unlawful for any person or persons to maintain or operate, within the corporate limits of the city, any travel trailer park unless such person or persons shall first obtain a permit therefor.<sup>1</sup> (1988 Code, § 5-405)

**14-1706. Application for permit.**

(1) Mobile home parks. Applications for a mobile home park shall be filed with and issued by the city building inspector subject to the planning commission's approval of the mobile home park plan. Applications shall be in writing and signed by the applicant and shall be accompanied with an approved plan of the proposed mobile home park. The plan shall contain the following information and conform to the following requirements:

- (a) The plan shall be clearly and legibly drawn at a scale not smaller than one hundred feet (100') to one inch (1");
- (b) Name and address of owner of record;
- (c) Proposed name of park;
- (d) Vicinity map showing location and acreage of mobile home park;
- (e) North point and graphic scale and date;
- (f) Exact boundary lines of the tract by bearing and distance;
- (g) Names of owners of record of adjoining land;
- (h) Existing streets, utilities, easements, and water course on and adjacent to the tract;
- (i) Proposed design including streets, proposed street names, lot lines with approximate dimensions, easements, land to be reserved or dedicated for public uses, and any land to be used for purposes other than mobile home spaces;
- (j) Provisions for water supply, sewerage and drainage;
- (k) Such information as may be required by the city to enable it to determine if the proposed park will comply with legal requirements; and
- (l) The application and all accompanying plans and specifications shall be filed in triplicate.

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<sup>1</sup>NOTE: Travel trailer parks, properly regulated, fit well into general commercial complexes in which a variety of complementary facilities are available. For example, nearby groceries, general store, filling stations, coin operated laundries, and other services are often in demand by persons looking for travel trailer parks.

Certificates that shall be required are:

- (i.) Owner's certification;
- (ii.) Planning commission's approval signed by secretary; and
- (iii.) Any other certificates deemed necessary by the planning commission.

(2) Travel trailer parks. Applications for travel trailer parks shall meet the same requirements as contained in § 14-1706(1). (1988 Code, § 5-406)

**14-1707. Enforcement.** It shall be the duty of the county health officer and city building inspector to enforce provisions of this chapter. (1988 Code, § 5-407)

**14-1708. Appeals.**

(1) Board of appeals. The Savannah Zoning Board of Appeals shall serve as the board of appeals and shall be guided by procedures and powers compatible with state law.

Any party aggrieved because of an alleged error in any order, requirement, decision or determination made by the building inspector in the enforcement of this chapter, may appeal for and receive a hearing by the Savannah Zoning Board of Appeals for an interpretation of pertinent chapter provisions. In exercising this power of interpretation of the chapter, the Savannah Zoning Board of Appeals may, in conformity with the provisions of this chapter, reverse or affirm any order, requirement, decision or determination made by the building inspector.

(2) Appeals from the board of appeals. Any person or persons or any board, taxpayer, department, or bureau of the city aggrieved by any decision of the Savannah Zoning Board of Appeals may seek review by a court of record of such decision in the manner provided by the laws of the State of Tennessee. (1988 Code, § 5-408)

**14-1709. Violations and penalty.** Any person or corporation who violates the provisions of this chapter or the rules and regulations adopted pursuant thereto, or fails to perform the reasonable requirements specified by the city building inspector or county health officer after receipt of thirty-five (35) days written notice of such requirements shall be punished according to the general penalty provision of this code of ordinances. (1988 Code, § 5-409)

**14-1710. Conflicts with other ordinances or regulations.** In any case where a provision of this chapter is found to be in conflict with a provision of any private or public act or local ordinance or code, the provisions which establish the higher standard for promotion and protection of the health and safety of the people shall prevail. (1988 Code, § 5-410)

## CHAPTER 18

### HISTORIC ZONING COMMISSION

#### SECTION

14-1801. Historic Zoning Commission.

**14-1801. Historic zoning commission.**

(1) In accordance with Tennessee Code Annotated, §13-7-401 et seq. there is hereby created a historic zoning commission for the City of Savannah which shall officially be known and designated as the “Savannah Historic Zoning Commission.”

(2) The Savannah Historic Zoning Commission shall consist of no less than five (5) and no more than nine (9) members. The membership shall consist of a representative of a local patriotic or historical organization; an architect, if available; a person who is a member of the Savannah Municipal-Regional Planning Commission at the time of such person's appointment; and the remainder shall be from the community in general with a simple majority representing property owners in the district. The City of Savannah Historic Zoning Commission shall be appointed by the Mayor of Savannah, subject to confirmation by the Board of Commissioners. The terms of members of the historic zoning commission shall be five (5) years, except that the members appointed initially shall be appointed for staggered terms so that the terms of at least one (1) member but not more than two (2) members shall expire each year. All members shall serve without compensation. The commission may adopt rules and regulations consistent with this part.

(3) Title 13, Section 7, Part 4 of the Tennessee Code Annotated entitled “Historic Zoning” is the controlling law applicable to this Ordinance and is made a part hereof as though copied herein verbatim. (Ord. #795-4-2014, May 2014)

## TITLE 15

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

#### SECTION

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

#### CHAPTER 1 MISCELLANEOUS

#### SECTION

- 15-101. Motor vehicle requirements.
- 15-102. Driving on streets closed for repairs, etc.
- 15-103. One-way streets.
- 15-104. Unlaned streets.
- 15-105. Laned streets.
- 15-106. Yellow lines.
- 15-107. Miscellaneous traffic-control signs, etc.
- 15-108. General requirements for traffic-control signs, etc.
- 15-109. Unauthorized traffic-control signs, etc.
- 15-110. Presumption with respect to traffic-control signs, etc.
- 15-111. School safety patrols.
- 15-112. Driving through funerals or other processions.
- 15-113. Clinging to vehicles in motion.
- 15-114. Riding on outside of vehicles.
- 15-115. Backing vehicles.
- 15-116. Projections from the rear of vehicles.
- 15-117. Causing unnecessary noise.
- 15-118. Vehicles and operators to be licensed.
- 15-119. Passing.
- 15-120. Motorcycles, bicycle riders, etc.
- 15-121. Operation of vehicles by minors.
- 15-122. Maximum weight limits for motor vehicles; noise and emission standards.
- 15-123. Following too close.
- 15-124. Passing a school bus.
- 15-125. Passenger restraint system.

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<sup>1</sup>Municipal code reference Excavations and obstructions in streets, etc.: title 16.

- 15-126. Parking spaces for the disabled.  
 15-127. Designated truck route.  
 15-128. Adoption of state traffic statutes.

**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 and horn. (1988 Code, § 9-101)

**15-102. Driving on streets closed for repairs, etc.** Except for necessary access to property abutting thereon, no motor vehicle shall be driven upon any street that is barricaded or closed for repairs or other lawful purpose. (1988 Code, § 9-102)

**15-103. 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. (1988 Code, § 9-105)

**15-104. Unlaned streets.**

- (1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:
- (a) When lawfully overtaking and passing another vehicle proceeding in the same direction.
  - (b) When the right half of a roadway is closed to traffic while under construction or repair.
  - (c) Upon a roadway designated and signposted by the city for one-way traffic.
- (2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (1988 Code, § 9-106)

**15-105. 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. (1988 Code, § 9-107)

**15-106. 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. (1988 Code, § 9-108)

**15-107. Miscellaneous traffic-control signs, etc.**<sup>1</sup> It shall be unlawful for any pedestrian or the operator of any vehicle to violate or fail to comply with any traffic-control sign, signal, marking, or device placed or erected by the state or the city unless otherwise directed by a police officer.

It shall be unlawful for any pedestrian or the operator of any vehicle to willfully violate or fail to comply with the reasonable directions of any police officer. (1988 Code, § 9-109)

**15-108. General requirements for traffic-control signs, etc.** Pursuant to Tennessee Code Annotated, § 54-5-108, all traffic control signs, signals, markings, and devices shall conform to the latest revision of the Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways, and shall be uniform as to type and location throughout the city.

**15-109. 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. (1988 Code, § 9-111)

**15-110. 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 authority. (1988 Code, § 9-112)

**15-111. 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. (1988 Code, § 9-113)

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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.

**15-112. 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. (1988 Code, § 9-114)

**15-113. 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. (1988 Code, § 9-115)

**15-114. Riding on outside of vehicles.** It shall be unlawful for any person to ride, or of 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. (1988 Code, § 9-116)

**15-115. 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. (1988 Code, § 9-117)

**15-116. 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 (1/2) hour after sunset and one-half (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 feet (200') from the rear of such vehicle. (1988 Code, § 9-118)

**15-117. 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. (1988 Code, § 9-119)

**15-118. 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." (1988 Code, § 9-120)

**15-119. 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. (1988 Code, § 9-121)

**15-120. Motorcycles, bicycle riders, etc.** Every person riding or operating a bicycle, motorcycle, or motor driven cycle shall be subject to the provisions of all traffic ordinances, rules, and regulations of the city applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles, or motor driven cycles.

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

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

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

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

All motorcycles and motor driven cycles operated on public ways within the corporate limits shall be equipped with crash bars approved by the state's commissioner of safety.

Each driver of a motorcycle or motor driven cycle and any passenger thereon shall be required to wear on his head a crash helmet of a type approved by the state's commissioner of safety.

Every motorcycle or motor driven cycle operated upon any public way within the corporate limits shall be equipped with a windshield or, in the alternative, the operator and any passenger on any such motorcycle or motor driven cycle shall be required to wear safety goggles, face shield or glasses containing impact resistant lens for the purpose of preventing any flying object from striking the operator or any passenger in the eyes.



It shall be unlawful for any person to operate or ride on any vehicle in violation of this section and it shall also be unlawful for any parent or guardian knowingly to permit any minor to operate a motorcycle or motor driven cycle in violation of this section. (1988 Code, § 9-122)

**15-121. Operation of vehicles by minors.**

(1) Definitions.

- (a) "Adult" shall mean any person eighteen (18) years of age or older.
- (b) "Automobile" shall mean any motor driven automobile, car, truck, tractor, motorcycle, motor driven bicycle or vehicle driven by mechanical power.
- (c) "Child" as used in this chapter shall mean a person less than eighteen (18) years of age, and no exception shall be made for a child who has been emancipated by marriage or otherwise.
- (d) "Custody" means the control of the actual, physical care of the child, and includes the right and responsibility to provide for the physical, mental, moral and emotional well-being of the child. "Custody" as herein defined, relates to those rights and responsibilities as exercised either by the child's parent or parents or a person granted custody by a court of competent jurisdiction.
- (e) "Driver's license" shall mean a motor vehicle operator's license or chauffeurs license issued by the State of Tennessee.
- (f) "Juvenile" shall mean any person defined as such in Tennessee Code Annotated, §§ 37-1-101, et seq.

(2) It is hereby declared unlawful and a misdemeanor for any adult to deliver the possession of or the control of any automobile or other motor vehicle to any person who does not have in his possession a valid motor vehicle operators or chauffeurs license issued by the Department of Safety of the State of Tennessee, or for any adult to permit any person to drive any motor vehicle upon the streets, highways, roads, avenues, parkways, alleys or public thoroughfares in the City of Savannah unless such person has a valid motor vehicle operators or chauffeurs license as issued by the Department of Safety of the State of Tennessee.

(3) It shall be unlawful and a misdemeanor for any parent to permit any child to drive a motor vehicle upon the streets, highways, roads, parkways, avenues or public ways in the City of Savannah in a reckless, careless, or unlawful manner, or in such a manner as to violate the ordinances of the City of Savannah.

(4) It shall be unlawful and a misdemeanor for any person to ride in, as a passenger or otherwise, a motor vehicle, knowing that the driver of the motor vehicle does not have in his possession a valid operators or chauffeurs license, as issued by the Department of Safety of the State of Tennessee.

(5) Any adult riding in any automobile or motor vehicle in the City of Savannah, when the same is driven by a child, as herein defined, shall be considered, under this section, as having control and direction of the child, and if the child drives the automobile in violation of the ordinances of the City of Savannah, with reference to the operation of an automobile or motor vehicle, then

such adult shall be responsible, and shall be guilty of a misdemeanor. (1988 Code, § 9-123)

**15-122. Maximum weight limits for motor vehicles; noise and emission standards.** (1) Maximum weight limits and liability for damages to pavement done by motor vehicles.

- (a) No person or firm shall operate upon any street of the City of Savannah, 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. Knowing subjection of the street of the city to use that it cannot accommodate by one who knows he is damaging the street must be regarded as unreasonable and negligent use for which user shall be held liable for damages caused thereby.
- (b) The maximum weight of any motor vehicle operated upon any street, road, alley, avenue or bridge within the City of Savannah shall not be greater than fifteen (15) tons, including the weight of the vehicle and its load. Exceptions to this weight limit are state designated highways and city streets designated as truck routes which are as follows: (1)
  - (i) Walter Street;
  - (ii) Alabama Street to Cumberland Street;
  - (iii) Cumberland street to Cravens Road;
  - (iv) Cravens Road to city limit;
  - (v) Clifton Road;
  - (vi) Shell Street;
  - (vii) End Drive;
  - (viii) East Main Street to Harbert Drive;
  - (ix) Harbert Drive;
  - (x) North Foursquare to Davis Drive;
  - (xi) Belmont Street;
  - (xii) Jackson Street;
  - (xiii) Fairground Street;
  - (xiv) Talley Street to Hubbard Street;
  - (xv) Ranch Street;
  - (xvi) Eureka Street;
  - (xvii) Malcomb Street.

The above mentioned streets shall adhere to Tennessee Code Annotated, § 55-11-203 regarding weight guidelines.

(2) Motor vehicle noise and emission standards. All vehicles in use on city streets must meet federal noise and emission standards pursuant to 42 USCA, sections 7521, 7522, 7641. (1988 Code, § 9-124)

**15-123. Following too close.** The driver of a motor vehicle shall not follow another vehicle closer than is reasonable and prudent, having due regard for the

speed of such vehicle and the traffic upon and the condition of the highway. (1988 Code, § 9-125)

**15-124. Passing a school bus.** The driver of a vehicle upon any highway, upon meeting or upon overtaking a school bus which is stopped on the highway for the purpose of receiving or discharging school children, shall stop their vehicle before reaching such school bus and shall not proceed until such school bus resumes motion, or until the driver of the school bus signals said driver to proceed, or the visual signals are no longer activated. The provisions of this section shall also apply to a school bus with lights flashing and stop sign extended, or one that is stopped upon property owned, operated or used by a school or educational institution, if such bus is stopped for the purpose of receiving or discharging school children outside a protected loading zone. (1988 Code, § 9-126)

**15-125. Passenger restraint system.** Any person transporting a child under four (4) years of age in a motor vehicle upon a road, street or highway in the City of Savannah is responsible for providing for the protection of the child by properly using a child passenger restraint system meeting federal motor vehicle safety standards. Nothing in this section shall restrict a person from removing the child from the restraint system and holding the child while it is nursing or while tending to the child's physiological needs. (1988 Code, § 9-127)

**15-126. Parking spaces for the disabled.** It shall be unlawful for any person to park in any parking space designated for disabled persons, except for those persons who meet the requirements for distinguishing placards or license plates, a disabled veteran licensed plate, except by those persons temporarily disabled as indicated by casts, braces, crutches or walkers, except by those persons utilizing such space for the benefit of a disabled passenger, or except by those persons who otherwise meet the requirements of a disabled person with identification. Any such violation shall be a misdemeanor. (1988 Code, § 9-128)

**15-127. Designated truck route.**

- (1) Heavy truck traffic prohibited on certain streets.
  - (a) For the purpose of this section, a heavy truck is defined to be any vehicle whose gross vehicle weight exceeds ten thousand (10,000) pounds.
  - (b) All heavy trucks will be prohibited from the following street: Main Street and Bridge Avenue, this route shall begin from where Bridge Avenue and Water Street join and continue east until Bridge Avenue merges into Main Street, thence, from this point east on Main Street through the middle of downtown until Main Street intersects Highway 64 or State Route 15.
  - (c) The following categories are exempt from the prohibition of this section:
    - (i.) The operation of heavy trucks upon any street where necessary to conduct business at a destination point within

the city, provided streets designated as truck routes are used until reaching the intersection nearest the destination point.

- (ii.) The operation of heavy trucks owned or operated by the city or any public utility, any contractor or material man, while under contract to the city or public utility, to engage in the repair, maintenance, or construction of streets, street improvements, or street utilities within the city.
- (iii.) The operation of buses used to transport persons to and from schools, a place of worship, or tours which run a designated route.
- (iv.) The operation of emergency vehicles upon any street in the city.
- (v.) Any oversize vehicle or those requiring an escort.

(2) Signs posted. Signs shall be posted on the entrance to each of the streets listed in subsection (1)(b) above either by words or by appropriate symbols that heavy trucks are prohibited from traveling upon said streets.

(3) Truck route. The following streets shall be designated as the official truck route in the city, and signs shall be posted identifying such route every one hundred feet (100') on both sides of said streets: Water Street from its beginning on Bridge Avenue to its end on Highway 69.

(4) Penalty. Any violation of this section shall be punishable by a fine not to exceed fifty dollars (\$50.00).

(5) Definition of vehicle. "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon street, road, highway or public thoroughfares, excepting devices moved by human power or used exclusively upon stationary rails or tracks. (1988 Code, § 15-129, as amended by Ord. #606-10-2000, Nov. 2000)

**15-128. Adoption of state traffic statutes.** By the authority granted under Tennessee Code Annotated, § 16-18-302, and Tennessee Code Annotated, § 55-10-307, the City of Savannah adopts by reference as if fully set forth in this section, the "Rules of the Road," as codified in Tennessee Code Annotated, §§ 55-8-101 through 55-8-131, §§ 55-8-133 through 55-8-150, and §§ 55-8-152 through 55-8-180. Additionally, the City of Savannah adopts Tennessee Code Annotated, §§ 55-8-181 through 55-8-193, §§ 55-9-601 through 55-9-606, § 55-12-139, and § 55-21-108 by reference as if fully set forth in this section.

## 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. (1988 Code, § 9-201)

**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 five hundred feet (500') 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. (1988 Code, § 9-202)

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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 feet (500') or drive or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1988 Code, § 9-203)

**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. (1988 Code, § 9-204)

## CHAPTER 3

### SPEED LIMITS

#### SECTION

15-301. In general.

15-302. At intersections.

15-303. In school zones.

**15-301. In general.** It shall be unlawful for any person to operate or drive a motor vehicle upon any highway or street at a rate of speed in excess of thirty-five (35) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limit shall apply. (1988 Code, § 9-301)

**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 twenty (20) 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. (1988 Code, § 9-302)

**15-303. In school zones.** Pursuant to Tennessee Code Annotated, § 55-8-152, the city shall have the authority to enact special speed limits in school zones. Such special speed limits shall be enacted based on an engineering investigation; shall not be less than fifteen (15) miles per hour; and shall be in effect only when proper signs are posted with a warning flasher or flashers in operation. It shall be unlawful for any person to violate any such special speed limit enacted and in effect in accordance with this paragraph.

In school zones where the board of commissioners has not established special speed limits as provided for above, any person who shall drive at a speed exceeding fifteen (15) miles per hour when passing a school during a recess period when a warning flasher or flashers are in operation, or during a period of ninety (90) minutes before the opening hour of a school, or a period of ninety (90) minutes after the closing hour of a school, while children are actually going to or leaving school, shall be prima facie guilty of reckless driving. (1988 Code, § 9-303, modified)

## 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.<sup>1</sup> (1988 Code, § 9-401)

**15-402. Right turns.** Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. (1988 Code, § 9-402)

**15-403. Left turns on two-way roadways.** At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of the intersection of the center line of the two (2) roadways. (1988 Code, § 9-403)

**15-404. Left turns on other than two-way roadways.** At any intersection where traffic is restricted to one direction on one (1) 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. (1988 Code, § 9-404)

**15-405. U-turns.** U-turns are prohibited. (1988 Code, § 9-405)

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<sup>1</sup>State law reference  
Tennessee Code Annotated, § 55-8-143.



## CHAPTER 5

### STOPPING AND YIELDING

#### SECTION

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

**15-501. 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. (1988 Code, § 9-502)

**15-502. 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. (1988 Code, § 9-503)

**15-503. At railroad crossings.** Any driver of a vehicle approaching a railroad grade crossing shall stop within not less than fifteen feet (15') 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 one thousand five hundred feet (1,500') 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. (1988 Code, § 9-504)

**15-504. At "stop" signs.** The driver of a vehicle 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. (1988 Code, § 9-505)

**15-505. 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. (1988 Code, § 9-506)

**15-506. 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. Provided, however, that a right turn on a red signal shall be permitted at all intersections within the city, provided that the prospective turning car comes to a full and complete stop before turning and that the turning car yields the right of way to pedestrians and cross traffic traveling in accordance with their traffic signal. However, said turn will not endanger other traffic lawfully using said intersection. A right turn on red shall be permitted at all intersections except those clearly marked by a "No Turns On Red" sign, which may be erected by the city at intersections which the city decides require no right turns on red in the interest of traffic safety.
  - (b) Pedestrians facing such signal shall not enter the roadway unless authorized so to do by a pedestrian "Walk" signal.
- (4) Steady red with green arrow:

- (a) Vehicular traffic facing 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. (1988 Code, § 9-507)

**15-507. At flashing traffic-control signals.**

(1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal placed or erected in the city it shall require obedience by vehicular traffic as follows:

- (a) Flashing red (stop signal). When a red lens is illuminated with intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
- (b) Flashing yellow (caution signal). When a yellow lens is illuminated with intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in § 15-504 of this code. (1988 Code, § 9-508)

**15-508. At pedestrian control signals.** Wherever special pedestrian control signals exhibiting the words "Walk" or "Wait" or "Don't Walk" have been placed or erected by the city, such signals shall apply as follows:

(1) "Walk." Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(2) "Wait or Don't Walk." No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to the nearest sidewalk or safety zone while the wait signal is showing. (1988 Code, § 9-509)

**15-509. 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. (1988 Code, § 9-510)

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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. 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 city shall be so parked that its right wheels are approximately parallel to and within eighteen inches (18") of the right edge or curb of the street. On one-way streets where the city has not placed signs prohibiting the same, vehicles may be permitted to park on the left side of the street, and in such cases the left wheels shall be required to be within eighteen inches (18') of the left edge or curb of the street.

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. (1988 Code, § 9-601)

**15-602. Angle parking.** On those streets which have been signed or marked by the city for angle parking, no person shall park or stand a vehicle other than at the angle indicated by such signs or markings. No person shall angle park any vehicle which has a trailer attached thereto or which has a length in excess of twenty-four feet (24'). (1988 Code, § 9-602)

**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 (1) such space or protrudes beyond the official markings on the street or curb designating such space unless the vehicle is too large to be parked within a single designated space. (1988 Code, § 9-603)

**15-604. Where prohibited.** No person shall park a vehicle in violation of any sign placed or erected by the state or city, nor:

- (1) On a sidewalk
- (2) In front of a public or private driveway.
- (3) Within an intersection or within fifteen feet (15') thereof.
- (4) Within fifteen feet (15') of a fire hydrant.
- (5) Within a pedestrian crosswalk.
- (6) Within fifty feet (50') of a railroad crossing.
- (7) Within twenty feet (20') of the driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station within seventy-five feet (75') of the entrance.
- (8) Alongside or opposite any street excavation or obstruction when other traffic would be obstructed.
- (9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- (10) Upon any bridge.
- (11) Alongside any curb painted yellow or red by the city. (1988 Code, § 9-604)

**15-605. Loading and unloading zones.** No person shall park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers or merchandise in any place marked by the city as a loading and unloading zone. (1988 Code, § 9-605)

**15-606. 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. (1988 Code, § 9-606)

**CHAPTER 7****VEHICLE REGISTRATION AND INSPECTION<sup>1</sup>****SECTION**

15-701. Vehicle registration (null and void).

**15-701. Vehicle registration (null and void).** The City of Savannah, in agreement with the Hardin County Government, no longer registers vehicles or issues stickers.

In lieu of a registration fee, the city collects a set fee amount from the Hardin County wheel tax, as agreed by both governments.

This agreement stays in effect unless the City of Savannah or Hardin County Government so desires to void said agreement. (1988 Code, § 9-701)

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<sup>1</sup>Ordinance #440-8-88 deletes all references to the City of Savannah vehicle registration and inspection ordinance

## CHAPTER 8

### ENFORCEMENT

#### SECTION

- 15-801. Issuance of traffic citations.
- 15-802. Failure to obey citation.
- 15-803. Illegal parking.
- 15-804. Impoundment of vehicles.
- 15-805. Disposal of abandoned motor vehicles.
- 15-806. Fines and costs.

**15-801. 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. (1988 Code, § 9-801)

**15-802. 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. (1988 Code, § 9-802)

**15-803. Illegal parking.** Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its license number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a citation for the driver and/or owner to answer for the violation within thirty (30) days during the hours and at a place specified in the citation. (1988 Code, § 9-803, modified)

**15-804. Impoundment of vehicles.** Members of the police department are hereby authorized, when reasonably necessary for the security of the vehicle or to prevent obstruction of traffic, to remove from the streets and impound any

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<sup>1</sup>State law reference

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



vehicle whose operator is arrested or any unattended vehicle which is parked, so as to constitute an obstruction of traffic, to remove from the streets and impound any vehicle whose operator is arrested or any unattended vehicle which is parked so as to constitute an obstruction or hazard to normal traffic, or which has been parked for more than one (1) hour in excess of the time allowed for parking in any place, or which has been involved in two (2) or more violations of this title for which citation tags have been issued and the vehicle not removed. Any impounded vehicle shall be stored until the owner or other person entitled thereto claims it, gives satisfactory evidence of ownership or right to possession, and pays all applicable fees and costs of impoundment and storage, or until it is otherwise lawfully disposed of. (1988 Code, § 9-804)

**15-805. Disposal of abandoned motor vehicles.** "Abandoned motor vehicles," as defined in Tennessee Code Annotated, § 55-16-103, shall be impounded and disposed of by the police department in accordance with the provisions of Tennessee Code Annotated, §§ 55-16-103 through 55-16-109. (1988 Code, § 9-805)

**15-806. Fines and costs.** The city court shall set forth the following court costs and offenses:

Court Costs	\$100.00 per case
Fines	\$2.00 to \$50.00

(1988 Code, § 9-806, as amended by Ord. #672-8-2004, Oct. 2004)

## TITLE 16

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

#### CHAPTER

1. MISCELLANEOUS
2. EXCAVATIONS AND CUTS, AND SPECIFICATIONS FOR STREETS.

#### 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. Obstruction of drainage ditches, curbs or gutters.
- 16-108. Abutting occupants to keep sidewalks clean, etc.
- 16-109. Parades, etc., regulated
- 16-110. Animals and vehicles on sidewalks.
- 16-111. Fires in streets, etc.
- 16-112. Basketball goals prohibited on rights-of-way.

**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. (1988 Code, § 12-301)

**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, alleys at a height of less than fourteen feet (14') or over any sidewalk at a height of less than eight feet (8'). (1988 Code, § 12-302)

**16-103. Trees, etc., obstructing view at intersections prohibited.** It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, hedge, billboard, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1988 Code, § 12-303)

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<sup>1</sup> Municipal code reference

Related motor vehicle and traffic regulations: title 15.

**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> (1988 Code, § 12-104)

**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 city manager. (1988 Code, § 12-305)

**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. (1988 Code, § 12-306)

**16-107. Obstruction of drainage ditches, curbs or gutters.**

(1) It shall be unlawful for any person, firm, or corporation to fill up, change the grade of or interfere with the drainage ditches, curbs, or gutters on any street, road, alley, or public drive in the city without having first obtained a permit to do so from the city manager.

(2) Any person desiring to construct any private driveway across any drainage ditch, water line, or any curb or gutter or sidewalk within the city, shall first make application accompanied with a fee of twenty-five dollars (\$25.00) per driveway connection to the city manager, giving the street and lot number where said driveway is to be constructed, the proposed width of the driveway, the manner of providing for the drainage of surface water that may drain along the side of the street, and the proposed size of any drainage tile, culvert, or other manner of draining the surface water. The city manager, upon receipt of such application, shall make such investigation as necessary with reference to said driveway and as to the size of the drainage tile proposed to be placed therein and all other pertinent data and if in the judgment of the city manager the method for drainage of surface water is adequate, and will not injure the street or cause an overflow on the street, and will not unduly concentrate the drainage of surface water on to other property, then the city manager will grant such permit.

(3) It shall be unlawful for any person to construct a driveway, as provided in subsection (2) above, without having the permit approved by the city manager, and the city manager is authorized to make such changes in the size of the drainage tile as will be necessary to adequately drain all surface water flowing such drainage ditch or curb gutter.

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<sup>1</sup> Municipal code reference

Building code: title 12, chapter 1.

(4) Any driveway constructed without the permit being obtained by the person constructing the same, or the owner of the property to which said driveway extends, shall be liable to the city for all damages that may arise by reason of said driveway or obstruction in such drainage ditch, curb, or gutter being inadequate to carry the surface water flowing along such drainage ditch or curb or gutter. Upon notice of the inadequacy of any drainage tile, culvert, or other method of drainage of water on any driveway constructed without the permit herein provided, the city manager shall give notice to the owner of the property to which such driveway enters and said notice shall direct that the owner of the property remove such tile and provide adequate drainage facilities. In the event the owner should fail to comply with said notice and remove said obstruction and said tile or culvert within thirty (30) days after the notice, then I that event the city manager is authorized to remove such tile and open up such ditch and cost of so removing the same and opening the ditch shall be charged to and borne by the owner of the property to which such driveway may lead. (1988 Code, § 12-308, as amended by Ord.#670-8-2004, Oct. 2004)

**16-108. 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. (1988 Code, § 12-109)

**16-109. Parades, etc., regulated.** It shall be unlawful for any person, firm, partnership, corporation or other association to hold any meeting, parade, demonstration, or exhibition on the public streets without the some responsible representative first securing a permit from the police chief. No permit shall be issued by the city manager unless an application has been made at least thirty (30) days in advance and it shall be issued only upon the following conditions:

(1) The application shall state the approximate number of vehicles in parade or assembly; the approximate number of persons engaging therein; the highways, streets, or other public places over which said parade or group of persons shall march or travel; the length of time said parade will continue; the hours that the same will begin and the approximate time of its cessation; the purpose for said parade or assembly and the group or person that will be responsible for conducting the same.

(2) No permit shall be granted that will cause an unreasonable interference with the normal use of the streets, highways, and public places of the city by the traveling public.

(3) No permit shall be issued for an assembly of persons or parade upon the streets or public ways of the city that will interfere with the usual and normal entry of the public into business places in the city.

(4) No permit will be issued that would cause any violence or breach of the peace by any person engaging in the parade or persons watching the same.

(5) The person, firm, partnership, corporation or association desiring a permit shall arrange for and if demanded by the police chief, upon the application for said permit, give security for the additional costs to the city for extra traffic control officers in controlling traffic on the streets during said parade, the amount of security to be determined at the time of the application and demand in accordance with the number of people and vehicles in the parade and the length of time the same is to be conducted, and upon the estimate of the number of additional traffic patrol officers or special policemen needed for said parade.

(6) It shall be unlawful for any person, firm, corporation or association to hold or conduct any parade upon the sidewalks of the city. The same shall only be conducted upon streets of the city in accordance with the terms of this section and then so as not to unreasonably interfere with the travel of vehicles upon the streets. (1988 Code, § 12-310)

**16-110. 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 sidewalks in such manner as to be unreasonably interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (1988 Code, § 12-312)

**16-111. 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. (1988 Code, § 12-313)

**16-112. Basketball goals prohibited on right-of-way.**

(1) No portable or fixed basketball goal shall be placed erected or maintained on or alongside the right-of-way of any public street within the municipal limits of the City of Savannah so as to allow a person or persons to play within the street. The placement of any basketball goal within a public right-of-way or the presence of persons within a public street playing on such a goal shall be a violation of this section.

(2) Any violation of this section shall be punishable by a fine of up to fifty dollars (\$50.00) and cost. (Ord. #656-10-2003, Dec. 2003)

## CHAPTER 2

### EXCAVATIONS AND CUTS, AND SPECIFICATIONS FOR STREETS

#### SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Manner of excavating—barricades and lights—temporary sidewalks.
- 16-204. Restoration of streets, etc.
- 16-205. Insurance.
- 16-206. Time limits.
- 16-207. Supervision.
- 16-208. Specifications for streets accepted by the city.

**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 provision 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. (1988 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 application will comply with all ordinances and laws relating to the work to be done. Such application shall be rejected or approved by the city manager within twenty-four (24) hours of its filing. (1988 Code, § 12-102)

**16-203. 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. (1988 Code, § 12-103)

**16-204. Restoration of streets, etc.** Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this city shall restore said street, alley, or public place to its original condition. In case of unreasonable delay in restoring the street, alley, or public place, the recorder 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 city will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the city, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel. (1988 Code, § 12-104)

**16-205. 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 recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance shall not be less than three hundred thousand dollars (\$300,000.00) for bodily injury or death of any one (1) person in any one (1) accident, occurrence or act, and not less than seven hundred thousand dollars (\$700,000.00) for bodily injury or death of all persons in any one (1) accident, occurrence or act, and one hundred thousand dollars (\$100,000.00) for injury or destruction of property of others in any one (1) accident, occurrence, or act.

**16-206. Time limits.** Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the city if the city restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the city manager. (1988 Code, § 12-106)

**16-207. Supervision.** The city manager or such person as he may designate shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the city and see to the

enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (1988 Code, § 12-107)

**16-208. Specifications for streets accepted by the city.** All new streets, prior to being accepted by the city are required to meet the following specifications:

(1) Street widths. The minimum width of right-of-way, measured from lot line to lot line shall be at least fifty feet (50')

(2) Roadway improvements. Base. A compacted base course six inches (6") deep and three feet (3') wider than the width of the pavement on each side of the street shall be installed on all streets, including cul-de-sacs, temporary turnarounds and access streets to adjoining properties. Wetting of the stone before compaction may be done at point of origin or on the job site at the option of the contractor. In all cases the center line of a roadway shall coincide with the center line of the right-of-way dedicated for such road or street.

(3) Minimum pavement width. Minimum pavement width for streets, including cul-de-sacs, temporary turnarounds and access streets to adjoining properties, shall be twenty-six feet (26').

(4) Any dead-end street shall provide a turnaround with a radius of at least forty feet (40').

In addition to the above mentioned specifications, additional information regarding street specifications may be found in the City of Savannah Subdivision Regulations. (1988 Code, § 12-108)



## TITLE 17

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

#### CHAPTER

1. REFUSE.
2. CITY TRASH PICK-UP.

#### CHAPTER 1

#### REFUSE

#### SECTION

- 17-101. Definitions.
- 17-102. Collection service required.
- 17-103. Collection service must be authorized.
- 17-104. General policy for health, safety, and welfare of the city.
- 17-105. Application and permit to dispose of own refuse; restrictions on county collectors using streets, etc.
- 17-106. City manager to control refuse collection.
- 17-107. Required refuse preparation practices.
- 17-108. Collection practices.
- 17-109. Schedule of charges, billing, delinquencies, etc.
- 17-110. Public nuisances and their abatement.

**17-101. Definitions.** For the purpose of this chapter, the following terms, phrases, words, and their deviations shall have the meaning given herein. When not inconsistent with the context herein, words used in the present tense include the future, words in the plural number include the singular number, and words in the plural number shall include the singular.

(1) "Business place" shall mean any establishment, firm, corporation, or operation, other than a household, the normal place of which gives rise to the production of refuse.

(2) "City" shall include the word town and town shall include the word city, and refers to the City of Savannah in Hardin County, Tennessee.

(3) "City manager" is the city manager of the City of Savannah, Tennessee.

(4) "Collection" shall mean the collection, removal and disposal of refuse.

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<sup>1</sup>Municipal code reference

Property maintenance regulations: title 13.

(5) "Garbage" is putrefactive animal and vegetable waste resulting from handling, preparation, cooking, and consumption of food ordinarily known as garbage or market refuse and whether the same is liquid or dry.

(6) "Health officer" is the county health officer and/or state health officer, or any board created by the county and/or the city, or official appointed by the City of Savannah, the County of Hardin or the State of Tennessee, performing the functions of a health officer.

(7) "Heavy solid waste generator." Any business, firm, commercial establishment, industrial or manufacturing plant or other concern that generates more than eight (8) cubic yards of garbage per month, or by nature of the garbage generated is unable to be serviced by the city polycart system.

(8) "Household" shall mean a family unit which lives together and shares the same cooking facilities.

(9) "Light solid waste generator." Any business, firm, commercial establishment, industrial or manufacturing plant or other concern that generates less than eight (8) cubic yards of garbage per month (two (2) ninety (90) gallon polycarts twice a week) or by nature of the garbage generated is able to be serviced by the city polycart system.

(10) "Person" is any person, firm, partnership, association, corporation, company, or organization of any kind.

(11) "Premises" is the site of any dwellings, business, plant or commercial establishment, including such establishment.

(12) "Putrefactive" means capable of putrefaction nor liable to become putrid or a substance which is liable to undergo bacterial decomposition when in contact with air or moisture at ordinary temperature.

(13) "Refuse" is all putrefactive and non-putrefactive solid waste, except body waste, including garbage, rubbish, ashes, street cleanings, and solid market and industrial wastes.

(14) "Rubbish" is non-putrefactive solid waste, excluding ashes, consisting of both combustible and non-combustible waste such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, and similar materials. (1988 Code, § 8-101)

**17-102. Collection service required.** From and after the effective date of this chapter, the owner or occupant of every building, business, plant, or other building, or activity or premises, which causes or creates refuse on the premises, shall provide such dwelling, building, business, plant, or other building or activity, with a refuse collection service under the provisions of this chapter. (1988 Code, § 8-102)

**17-103. Collection service must be authorized.** All refuse accumulated in the City of Savannah shall be, collected, conveyed, and disposed of by the city or a contractor contracting with the city as provided in this chapter. No person shall collect, convey, or transport over any of the streets, roads, alleys, or

public ways of the City of Savannah, or dispose of any refuse accumulated in the City of Savannah, except as provided in this chapter. (1988 Code, § 8-103)

**17-104. General policy for health, safety, and welfare of the city.** The accumulation of refuse, rubbish, garbage, trash, or other waste substances of an obnoxious, unsanitary, unsightly, or hazardous character on the premises of any private residence, commercial installation, plant, factory, or business, or upon the streets or public ways of, or sidewalks, and on lots or alleys in the City of Savannah, constitute a public menace and nuisance, and greatly increase the danger of the spread of infectious, contagious and epidemic diseases, and it is imperatively urgent for the preservation of health, safety, and sanitation, and peace and public welfare, that proper and adequate regulations be adopted to require property owners, tenants, occupants, or lessees, to secure containers and receptacles as provided in this chapter, in which to deposit refuse, substances, and otherwise prepare, as hereinafter provided for collection, removal and disposal of same at regular intervals, as provided in this chapter. (1988 Code, § 8-104)

**17-105. Application and permit to dispose of own refuse; restrictions on county collectors using streets, etc.** This chapter shall not prohibit the actual producers of refuse, or the owner of premises upon which refuse has accumulated, from personally collecting, conveying, and disposing of such refuse, provided such producer or owner shall first apply to the city manager for a permit granting him the right to collect, convey, and dispose of such refuse, and paying the fee provided herein for such right to use the streets of the City of Savannah for the purpose of transporting and conveying such refuse over the same. Such application shall be in writing and contain an agreement by the applicant to comply with the requirements of this chapter concerning containers, methods of conveyance and point of disposal.

This chapter shall not prohibit collectors of refuse collected outside the city from hauling or transporting such refuse over the streets, alleys, or public ways of the city, provided such collectors are handling refuse in containers and vehicles of an approved type, under the provisions of this chapter, and so constructed that such refuse will not fall out of or be blown from or fall upon the streets or premises adjoining the same of the City of Savannah, and such refuse shall be disposed of in conformity with the provisions of this chapter. (1988 Code, § 8-105)

**17-106. City manager to control refuse collection.** All refuse accumulated in the city shall be collected, conveyed, and disposed of by the city, under the supervision of the city manager. The city manager shall have authority to make rules and regulations concerning the days of collection, type and location of waste containers, and such other matters pertaining to the collection, conveyance, and disposal as necessary and to change and modify the same, provided such regulations are not contrary to the provisions of this chapter. (1988 Code, § 8-106)

**17-107. Required refuse preparation practices.** All persons shall follow the following practices:

- (1) Preparation of refuse.
  - (a) Garbage. All garbage, before being placed in garbage cans for collection shall have drained from it all free liquids and shall be placed in a plastic or paper sack or wrapped in plastic or paper.
  - (b) Rubbish. All rubbish shall be drained of free liquids and shall be deposited for collection.
- (2) Refuse containers.
  - (a) Duty to provide and maintain in sanitary condition. Refuse and garbage containers shall be provided by the city to the owner, tenant, lessee or occupant of the premises. The containers shall be maintained in good sanitary condition and shall be such as to contain any liquids. Any containers that do not conform to the provisions of this section or that may have ragged or sharp edges or other defects that might hamper or injure the person collecting the contents thereof shall promptly be replaced upon notice. The city manager may refuse collection service for failure to comply herewith.
  - (b) Garbage containers. Garbage containers shall be made of metal or other suitable plastic material, equipped with handles and tight fitting covers, and shall be watertight. If made of other than metal, the same shall be of sufficient strength to serve the purpose for which used.
  - (c) Sanitation. Garbage and refuse containers shall be of a type approved by the city manager and shall be kept in a clean, neat, and sanitary condition at all times.
- (3) Storing of refuse.
  - (a) Public places. No person shall place any refuse in any street, alley, or other place or upon any private property, whether owned by such person or not within the City of Savannah, except in the proper containers for collection, or by express approval granted by the city manager, nor shall any person throw or deposit or leave deposited, or to allow to accumulate any refuse in any stream or other body of water, within or adjoining the City of Savannah, or in such place or in such manner as the same may be washed into any such stream or drainage ditch.
  - (b) Unauthorized accumulation. Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited.
  - (c) Scattering refuse. No person shall case, place, sweep, or deposit anywhere within the City of Savannah any refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway, or other public place or into any occupied premises within the City of Savannah.
- (4) Point of collection. All refuse containers shall be placed for collection at the ground level and accessible to and be no more than forty feet (40') from the

side of the street or alley from which collection is made, or the same may be placed upon an approved rack or stand, constructed and placed at such a place as may be directed by the city manager. (1988 Code, § 8-107)

**17-108. Collection practices.** All refuse shall be removed from private residences, public businesses and institutions at least once each week, or as often as deemed necessary by the city manager or health officer. Where necessary, to protect the public health, the city manager or health officer shall have the authority to require that more frequent removal and collections be made. (1988 Code, § 8-108)

**17-109. Schedule of charges, billing, delinquencies, etc.**

(1) For each service rendered in the collection of refuse, the city shall make the following charges:

- (a) Each private dwelling unit or family, thirteen dollars (\$13.00) per month.
- (b) Each business, firm, commercial establishment, industrial or manufacturing plant, or any other concern designated by the city to be a "light solid waste generator," pay twenty-two dollars (\$22.00) per month per weekly pickup.
- (c) Each business, firm, commercial establishment, industrial or other manufacturing plant or any other concern designated by the city to be a "heavy solid waste generator," shall pay the sum that is charged to the city by the contractor who collects the refuse.

(2) Billing. The garbage collection service shall be billed each month to each family or private dwelling unit, or business or firm, on the water bill, and said charges shall be due and payable at the same time as the water, sewer, or gas bills are due and payable. In the event said refuse and garbage collection charge is not paid at the time the water, sewer, or gas bill is due and payable, then each month there shall be added a penalty of ten percent (10%) which shall be in addition to the regular charge.

(3) Delinquent accounts. All accounts shall be considered delinquent if not paid on or before the day the water bills are due and payable at said premises, and shall become delinquent at the same time. All delinquent accounts are subject to stoppage of service without notice. If a delinquent account is not paid within thirty (30) days from receipt of the bill, the city manager shall cease all refuse collection from that account, unless otherwise directed by the health officer. Service shall be resumed thereafter only on payment of the accumulated fees and penalty for the period of collection, unless the health officer specifically directs otherwise. The accumulation of garbage or refuse at said premises shall be a violation of this chapter.

(4) Legal remedy. The stoppage of service herein before authorized for non-payment of collection charges, shall be in addition to the right of the city to proceed for the collection of such unpaid charges.

The city manager shall prepare, prior to the first of each month, and furnish to the department of public utilities, to be included in the water, sewer, and

gas bill, a list of all persons, firms, or corporations, receiving garbage collection service, or to receive the same, and the same shall be billed on said water, sewer, and gas bill. Any person, firm, or corporation not receiving water, sewer, or gas service shall be billed separately for garbage collection service. (1988 Code, § 8-109, as amended by Ord. #567-6-1998, July 1998, and Ord. #644-6-2002, Oct. 2002)

**17-110. Public nuisances and their abatement.** Any dwelling, business house, or other structure in the City of Savannah, about which refuse accumulates, which is not provided with refuse collection service by the City of Savannah, or by the owner or producer, in compliance with §§ 17-102 and 17-105 is hereby declared to be a public nuisance, dangerous to the public health, safety, convenience, and welfare, and may be abated in the same manner as other public nuisances are abated. The same shall also be a violation of this chapter. (1988 Code, § 8-110)

## CHAPTER 2

### CITY TRASH PICK-UP

#### SECTION

- 17-201. City trash pick-up.
- 17-202. Additional trash pick-up.
- 17-203. Special annual trash pick-up.
- 17-204. Leaf pick-up.

**17-201. City trash pick-up.** The city street department shall provide no more than two (2) pick-ups or loads per household per year. Pick-ups must be called in to the city street department. The city street department will maintain a log of number of pick-ups per household. Trash must be placed by the street in an area clear of obstructions such as light poles, mailboxes, trees, manholes, etc., in order to allow for machinery to pick-up the trash. Brush must be separated from other trash such as furniture and appliances. Not included in this service will be calls by anyone for removal of debris created by contractors. Said contractors including, but not limited to, building contractors, landscapers, heavy equipment contractors and tree trimmers. Also, not included in this service is debris accumulated by anyone clearing any vacant lot. (Ord. #676-8-2004, Oct. 2004)

**17-202. Additional trash pick-up.** After a household has utilized their two (2) annual pick-ups, additional pick-ups may be arranged by paying a fee of twenty-five dollars (\$25.00) per pick-up or load. Payment shall be made at city hall. A copy of the receipt of payment will be forwarded to the street department, who will in turn arrange for pick-up. (Ord. #676-8-2004, Oct. 2004)

**17-203. Special annual trash pick-up.** The city street department shall provide a special month long pick-up period once per year. Pick-ups during this period will not count toward the total pick-ups per household. Guidelines for placement of trash by the street shall comply with § 17-201. (Ord. #676-8-2004, Oct. 2004)

**17-204. Leaf pick-up.** Loose leaf and grass pick-up will be provided from October 15 through March 31. All other times, loose leaves and grass must be bagged and shall be counted toward the total pick-ups as specified in § 17-201. (Ord. #676-8-2004, Oct. 2004)

## TITLE 18

### WATER AND SEWERS<sup>1</sup>

#### SECTION

1. DEPARTMENT OF PUBLIC UTILITIES.
2. SERVICE PRACTICE STANDARDS.
3. WATER RULES AND REGULATIONS.
4. WASTEWATER RULES AND REGULATIONS.
5. SCHEDULE OF RATES AND CHARGES.
6. GENERAL REGULATIONS GOVERNING CITY FRANCHISES.
7. WATER SALES TO AQUA UTILITY COMPANY.
8. CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.

#### CHAPTER 1

### DEPARTMENT OF PUBLIC UTILITIES<sup>2</sup>

#### SECTION

- 18-101. Definitions.
- 18-102. Creation, scope, and supervision of the department.
- 18-103. Creation and membership of an advisory board of public utilities.
- 18-104. Powers and duties of the advisory board.
- 18-105. Powers and duties of the city manager.
- 18-106. Director of the department.
- 18-107. City manager and employees handling funds of the department must be bonded.

**18-101. Definitions.** The following words and phrases shall have the meaning set out as follows when used in this title:

(1) “Board of Commissioners of the City of Savannah.” The governing body of the City of Savannah as established by the Charter of the City of Savannah. “The Board of Public Utilities of the City of Savannah.” The board created by this chapter to act in an advisory capacity to the utility which shall provide this guidance subject to the decision of the board of commissioners of the city.

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<sup>1</sup>Municipal code references

Building, utility and housing codes: title 12.

Health and sanitation: title 13.

Refuse disposal: title 17.

<sup>2</sup>For provisions authorizing the fluoridation of the water supply of the City of Savannah, see Ord. #81 of record in the city recorder's office.



(2) "City recorder." The person occupying the position and performing the duties of the recorder as provided by the Charter of the City of Savannah.

(3) "Consumer." Any person, firm, corporation, or association receiving gas service from the natural gas distribution, waterworks distribution and sewage collection systems of the city, which shall be under the supervision and control of the Board of Commissioners of the City of Savannah.

(4) "Department of public utilities." Shall be the department of the City of Savannah having charge of the natural gas distribution, waterworks distribution and sewerage collection systems of the city, which shall be under the supervision and control of the Board of Commissioners of the City of Savannah.

(5) "Sewerage system." The sewerage system owned, operated and maintained by the City of Savannah.

(6) "Utility director." The person so employed and designated who will be under the direction and control of the city manager and the board of commissioners of the City of Savannah as authorized by this chapter. His duties and his responsibilities as director will be under the guidance and direction of the city manager.

(7) "Water consumer." Any person, firm, or corporation receiving water or sewerage service from the waterworks and/or sewerage system of the City of Savannah.

(8) "Waterworks." The wells, filtration plant, tanks, water distribution system owned, operated and maintained by the City of Savannah. (1988 Code, § 13-101)

**18-102. Creation, scope, and supervision of the department.** There is hereby created and established a department of public utilities under the government, supervision, and control of the board of commissioners of the City of Savannah, and under this department shall be the improvement, operation, and maintenance of the natural gas distribution, waterworks distribution and sewerage collection systems of the City of Savannah. The responsibility for the management of this department shall be under the city manager, and the handling of funds and payment of salaries and accounts will be his responsibility. The yearly budget for this department will be made to coincide with the other departments of this city, and the approval of this budget will be the responsibility of the board of commissioners of the city. (1988 Code, § 13-102)

**18-103. Creation and membership of an advisory board of public utilities.** An advisory board, to be known and designated as the "Advisory Board of Public Utilities of the City of Savannah," is hereby constituted and established for the purpose of giving advice on the operation and maintenance of the natural gas distribution, waterworks distribution and sewerage collection systems of the City of Savannah.

This advisory board shall meet monthly, as required, with the utility director for the purpose as heretofore stated. This board shall consist of five (5) members

who shall be appointed by the board of commissioners by a majority vote, and each member of the advisory board shall serve for a term of three (3) years. Should a vacancy occur on this board, a successor will be appointed to fill out the term of office of the retiring member, and at the end of each three (3) year term, a new member shall be appointed for a term of three (3) years, at the first regular meeting of the board of commissioners in July preceding the expiration of the term of office of the retiring member. The term of members of the advisory board shall expire on the first day of July of each year. The members of the advisory board shall be residents of the City of Savannah for not less than one (1) year preceding the date of their appointment. No person who is engaged in the business of selling or installing gas or plumbing or waterworks fixtures and appliances shall be eligible or qualified to serve on the advisory board. The advisory board shall hold a regular meeting as required each month, such date to be fixed by resolution of the advisory board, and the meeting will be attended by the utility director.

Each member of the advisory board shall receive as compensation for his service, the sum of ten dollars (\$10.00) for each regular meeting attended by the member, the payment for attendance to be made from funds of the gas, waterworks and sewerage systems.

The advisory board shall cause to be kept a complete and accurate set of minutes of each meeting, a copy of said minutes to be forwarded to the board of commissioners by the utility director, and the minutes shall be recorded and kept in a well bound book, as part of the records of the city. (1988 Code, § 13-103)

**18-104. Powers and duties of the advisory board.** The advisory board of the public utilities department shall be so selected by the board of commissioners that they may, through their experience in the business and technical field, give advice to the utility director on the operation, maintenance, and improvement of the natural gas distribution, waterworks distribution and sewerage collection systems, pumping stations, wells, tanks and all appurtenances of the systems owned by the City of Savannah.

The advice and resolutions of this board shall be relayed through the minutes of the monthly meetings to the regular meeting of the board of commissioners for action.

The advisory board of public utilities shall act in an advisory capacity to the board of commissioners in all matters pertaining to the financing of the natural gas distribution, waterworks distribution and sewer collection systems, the acquisition of any or all parts of the systems thereof, and it will collect and furnish all necessary data and information as may be necessary or proper, from time to time, within the limits of this board, as heretofore stated. (1988 Code, § 13-104)

**18-105. Powers and duties of the city manager.**

(1) The city manager shall be the head of the utility department and as such, it will be his responsibility to maintain an accurate record of all receipts and disbursements of the revenues from the natural gas distribution, waterworks distribution and sewerage collection systems. The revenue, receipts, disbursements, expenses, and records of the three (3) utility systems are to be kept separate.

Reports of this operation will be made at regular intervals, but no less than three (3) times a year, to the board of commissioners. At least once each year, at the same time the regular audit is made of other departments of the city, a complete and accurate audit of the books and records of the natural gas distribution, waterworks distribution and sewerage collection systems, will be made, the same to be made by a certified public accountant employed by the City of Savannah, and at least one (1) copy of the audit report shall be filed with the recorder.

(2) It will further be the responsibility of the city manager to proceed with all matters and perform everything necessary for the proper operation of the department of public utilities, the natural gas distribution, waterworks distribution and sewerage collection systems of the city; to collect all charges for services rendered by the systems to the consumers and to pay all necessary expenses of the operation of the system, subject to the limitations of funds available for the operation and maintenance thereof, and the retirement of the indebtedness of the systems. The rules and regulations covering the operation of this system will be promulgated by the city manager and approved by the board of commissioners, and these rules will be filed with the city recorder as a part of the permanent records of the city.

(3) The city manager shall collect, or cause to be collected, all charges, as provided by ordinances of the City of Savannah, for services rendered by the department of public utilities of the city, the natural gas distribution, waterworks distribution and sewerage collection systems of the city, shall deposit the same in the same form as received, and the funds shall be deposited in such banks and in such amounts as board of commissioners shall determine.

The revenues and receipts from the three (3) utility systems are to be deposited in separate accounts. A complete record of the revenues and receipts of the systems shall be kept and maintained at all times. All expenses of the operation and maintenance of the natural gas distribution, waterworks distribution and sewerage collection systems shall be paid only by check issued by the city manager and countersigned by the mayor, city recorder or the board of commissioners. Such checks shall pay current operating expenses and payrolls and are to be countersigned by such other officer or employees as the board of commissioners may designate.

The city manager will deposit or cause to be deposited in the accounts in the banks designated by the board of commissioners such amounts and for such purposes as provided by the ordinances of the City of Savannah issuing bonds and pledging the revenues from the systems under the department of public utilities to pay the interest and principal of said bonds, as the ordinances provide.

The department of public utilities, under the supervision of the city manager, shall continue to maintain a complete and accurate accounting system, sufficient at all times to show the receipts and disbursements made by the natural gas distribution, waterworks distribution and sewerage collection systems, and there will be kept three (3) separate and distinct systems of books, keeping the operation of the three (3) systems shall be charged to each system. In the event that it is impossible to separate the charges, the same shall be charged in such proportion

and such manner as will equitably distribute the cost between the three (3) systems.

(4) The hiring of necessary personnel for the department of public utilities shall be under the direction and supervision of the utility director, and city manager whose duties shall be the construction, operation, and maintenance of the systems. The compensation due to the employees of the department of public utilities shall be paid from funds of the natural gas distribution, waterworks distribution and sewerage collection systems, in such amounts as the city manager may determine, so that the expenses of the same shall be equitably distributed between the three (3) systems. The appointment or employment of all technical consultants and advisors and legal assistance shall be subject to the approval of the board of commissioners. The purchase of materials and the letting of contracts for the construction and maintenance of the public utilities systems will be under the supervision of the board of commissioners and under the direction of the city manager, but the proposing of work to be done by the utilities department, and the field supervision of the work, will be part of the utility director's duties. (1988 Code, § 13-105)

**18-106. Director of the department.** The city manager shall appoint and employ a utility director to be known as director of the department of public utilities of the City of Savannah, and who shall be qualified, by training and experience, for the supervision of the improvement and operation of the natural gas, waterworks and sewerage systems of the city. The director need not be a resident of the city or state at the time of his employment. The general qualifications, both by education and experience in the line of public utilities, shall enable the director to direct all field activities of the systems. Working under the city manager, the director shall have charge of all actual construction, the maintenance and field improvement of the natural gas distribution, waterworks distribution and sewerage collection systems of the city. Further duties of the director shall be under the direct supervision of the city manager. While the overall direction of the department of public utilities shall be the responsibility of the city manager, the general planning and direction of the director must at all times be so directed that the cooperation between the city manager and the director will provide an orderly run department. (1988 Code, § 13-106)

**18-107. City manager and employees handling funds of the department must be bonded.** The board of commissioners shall require the city manager and all employees handling or receiving funds of the natural gas distribution, waterworks distribution and sewerage collection systems, to execute a fidelity bond, for the accounting of all funds or monies of the department of public utilities handled by the city manager or employees. The bond shall be in such amount as the board of commissioners may determine, provided that the penalty of the same shall not be less than fifty thousand dollars (\$50,000.00). The bond shall be executed by some surety or guaranty company, authorized to do business in the State of Tennessee, and the premium for the bonds shall be paid by the waterworks, sewerage and natural gas systems, the same to be prorated between the three (3)

systems as equitably as the cost may be divided. The bonds may be a blanket bond covering all employees of the department of public utilities. (1988 Code, § 13-107)

## CHAPTER 2

### SERVICE PRACTICE STANDARDS

#### SECTION

- 18-201. Definitions.
- 18-202. Obtaining service.
- 18-203. Application and contract for service.
- 18-204. Deposits.
- 18-205. Billing.
- 18-206. Termination/refusal of service.
- 18-207. Service charge.
- 18-208. Collection charge.
- 18-209. Reconnection charge.
- 18-210. Temporary service charges.
- 18-211. Adjustment of water billing.
- 18-212. Customer's responsibility for violations of rules and regulations.
- 18-213. Scope.
- 18-214. Conflict.
- 18-215. Revisions.
- 18-216. Separability section.
- 18-217. Filing and posting.
- 18-218. Standard forms.

**18-201. Definitions.** Wherever the context shall admit or require, words used herein in the singular shall include the plural, words used in the plural shall include the singular, words used in the masculine shall include the feminine, and words used in the feminine shall include the masculine.

(1) "Credit problem customers" are customers:

- (a) With one (1) or more terminations within the previous three (3) calendar years; or
- (b) That have had a total of two (2) or more returned checks within the previous three (3) calendar years.
- (c) "Good customers" are customers that fall outside the above descriptions for credit problem customers.

(2) "Customer" means any person who receives services from the department under either an express or implied contract requiring such person to pay the department for such service.

(3) "Department" means the Savannah Utility Department, and its duly authorized officers and agents. The term "department" shall include the City of Savannah where the context so admits or requires.

(4) "Due date" shall mean the date fifteen (15) days after the net date, except when some other date is expressly required by these rules and regulations or rate schedules, or by an agreement approved by the department. The "due date" is the last date upon which bills can be paid before termination of services.

(5) "Dwelling" means any single structure, with auxiliary buildings, occupied by one (1) or more persons or households for residential purposes.

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

(7) "Net date" shall mean the date ten (10) days after the date of a bill, except when some other date is expressly required by these rules, regulations and rate schedules, or by an agreement approved by the department. The net date is the last date upon which bills can be paid at net rates.

(8) "Person" includes firms, corporations, governmental bodies, organizations, associations and individuals.

(9) "Premises" means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premises" shall not include more than one (1) dwelling. (1988 Code, § 13-201)

**18-202. Obtaining service.** Prospective customers are reminded that a formal application for either original or additional service must be made with a duly appointed employee of the department and be duly approved before connection or meter installation orders will be issued and work performed. (1988 Code, § 13-202)

**18-203. Application and contract for service.** Each prospective customer desiring service will be required to sign the department's standard form of application. The use of service by a customer shall impliedly bind the customer by the terms of the applicable standard application form, even though not actually signed. Said application shall constitute a contract binding the prospective customer to applicable rules and regulations of the department.

Within the corporate limits of the City of Savannah should the premises to be served be new construction, the applicant shall show that an approved building permit from the City of Savannah has been issued for such construction.

Before a service connection will be made, it will be necessary for the customer to obtain a house number or box number for the structure to be served and place this number where it will be readily visible from the street, alley, road or easement.

If, for any reason, a prospective customer, after requesting service does not take the service by reason of not occupying premises or otherwise, he shall reimburse the department for the expense incurred by reason of its endeavor to furnish said service.

The receipt by the department of a prospective customer's application for service, regardless of whether or not accompanied by a deposit, shall not obligate the department to render the service applied for. The department may require additional information and/or statements as needed in support of a customer's application for services.

If the service applied for cannot be supplied in accordance with the department's rules, regulations, and general practice, the liability of the department to the applicant for such service shall be limited to the return of any refundable deposit made with the department by such applicant.

Whenever an application is made for service to premises concerning which the department knows there is a dispute as to the ownership or the right of occupancy, and one (1) or more of the claimant's attempts to prevent such service being furnished, the department reserves the right to adopt either one (1) of the following two (2) alternative courses:

(1) To treat the applicant in actual possession of the premises to be served, as being entitled to such service, irrespective of the rights or claims of other persons.

(2) To withhold service, pending a judicial or other settlement of the rights of the various claimants. (1988 Code, § 13-203)

**18-204. Deposits.**

(1) The customer shall deposit such sums of money as may be required by the department as continuing security for the performance of the obligations contracted for by the customer, and failure to make such deposit upon demand of the department will give the department the right to declare the contract forfeited and to refuse or to discontinue service. (See schedule of rates and charges.)

(2) The cash deposit shall be retained by the department as security for the payment of the bills and charges for services rendered by the department to the customer. Upon discontinuance of service to any customer, the deposit shall be refunded to the customer, provided that all charges for services rendered by the department are paid, and the customer is not indebted to the department. If the customer is indebted to the department at the time any service is discontinued, then the department shall apply the cash deposit to the amount due the department for services rendered. If a balance remains after so applying such cash deposit, the same will be paid to the customer. If the amount due by the customer is greater than the cash deposit, then the customer shall pay the same. No deposit shall be transferable or assignable by customer.

(3) The amount of a commercial or industrial deposit is determined by using January, February, July and August billing for the previous customer at the address for which the applicant is applying for service. The department multiplies the second highest monthly billing by one and one-half (1 1/2) to obtain the most realistic dollar amount in securing payments on final bills. On newly constructed buildings which have never been occupied, the department considers the size of the building, type of operation and load requirements. A minimum deposit shall be established as per the schedule of rates and charges for use in regards to the above calculations.

In lieu of a cash deposit, commercial and industrial customers may, at the customer's expense, furnish to the department, and maintain in full force and effect until service to such customer is terminated:

- (a) Indemnity bond. A bond in the amount of the deposit requested will be accepted and shall be signed by the customer as principal and by a responsible corporate surety company authorized to do and doing a general surety business in Tennessee. The selection of the surety company shall be the responsibility of the customer.



- (b) Certificate of deposit. The department will accept this type instrument purchased through a bank at a standard interest rate. The certificate of deposit is held in safekeeping by the division in lieu of a cash deposit. Certificate must be made jointly to customer and Savannah Utility Department.
- (c) Bank letter of credit. This type instrument must be furnished to the department by any FDIC approved bank, which guarantees full payment of deposit if utility bill is delinquent.

No surety on a bond, issuer of a letter of credit or issuer of a certificate of deposit shall have the right to terminate its liability thereunder without giving the department at least thirty (30) days prior written notice of its election so to do, and such termination shall not limit or otherwise affect the liability of any such surety or issuer to the department for utility services furnished the customer prior to the effective date of such termination.

(4) If a commercial or industrial customer with a good paying record for one (1) year opens a second business, a second deposit may not be required.

(5) No deposit will be required for city, county, state, or federal institutions.

(6) No interest shall be paid on deposits.

(7) If an existing customer that has less than the presently required deposits has service disconnected for nonpayment, the customer will be billed the balance required to increase the deposit to present rates in equal installments on the next two (2) bills.

(8) Customers that discontinue service and at a later time reapply for service, shall be required to pay any difference in their deposits if they are lower than the present rates no matter if the deposit has been retained by the department during the period of non-service. (1988 Code, § 13-204)

**18-205. Billing.** Bills for residential service will be rendered monthly. Bills to commercial and industrial customers may be rendered at other intervals at the option of the department. Bill shall be due and payable upon receipt. Failure to receive bills will not release customer from payment obligation nor extend the net or due date. Bills paid on or before the “net date” shown on the bill shall be payable at the net rates, but thereafter the gross rates shall apply, the gross rates being the net amount plus a ten percent (10%) late payment charge. The late payment charge shall be applied to any portion of the bill paid after the net payment period. The net period shall be at least ten (10) days beginning with the date the bill is mailed.

If the department elects to read meters less frequently than each month in order to reduce meter reading expense for other reasons, the department reserves the right to render an estimated bill to a customer for any billing period for which such customer’s meter is not read. If a subsequent meter reading shows that the estimated bill was based on an erroneous mistake of consumption, the department

at its option will either adjust the estimated bill to correct the error or make a compensated adjustment in a later bill.

If a meter fails to register properly, or if a meter is removed to be tested or repaired, or if service is received other than through a meter, or if agents of the department are unable to obtain access during regular working hours to read meters, or if any other reason correctly registered consumption cannot be determined, the department reserves the right to render an estimated bill based on the best information available.

Any unpaid bill of the customer accrued at any address may be added to any unpaid bill accrued by the same customer at any other address.

For the convenience of our customers, a bill depository has been provided on the west side of the city hall utility department office into which payments for bills may be placed when the office is closed and any payment made therein will be accepted for the customer's account. Any customer using the depository does so at his own risk and must accept the department's accounting for the amount received by the department.

The department shall not be obligated to make adjustment of any bills unless within thirty (30) days after the questioned bill is paid, the customer files with the department a written objection to said bill specifying the basis for the desired adjustment.

The department shall be under no obligation to extend the due date or the time for paying any bills to the department because the customer disputes the amount of the bill or liability for the bill. The customer shall have the right to pay any disputed bill under protest provided the customer at the time of payment gives the department written notice that the payment is being made under protest together with a written statement of the ground or grounds upon which the customer questions the correctness of the bill; and any such payment thus made under protest shall not be considered a voluntary payment provided the customer files suit to recover the questioned payment within thirty (30) days after such payment is made.

In the event bills are not paid on or before the due date, service may be discounted without notice to customer and not again resumed until all bills are paid, and the department nor the City of Savannah shall not be liable for damages on account of discounting service at any time after the due date, even though payment of such bills be made on the same day either before or after service is actually discontinued.

Should the net of due date of payment for bills fall on a weekend or holiday, the next following business day will be considered as the net or due date accordingly. Net remittances received by mail after the time limit for payment of said net rates will be accepted by the department if the incoming envelope bears United States post office date stamp of the final date for payment of the net amount, or any date prior thereto.

The discontinuance of service by the department for any cause does not release the customer from his obligation to the department for the payment of bills.

The seasonal or other temporary discontinuance of service at the customer's request will not relieve the customer from payment of minimum monthly bills according to the applicable rate schedule.

To the extent that any sales or other tax is payable by a customer on any service provided by the department and the department is obligated to collect such tax from the customer, the customer's failure to pay any such tax shall have the same effect as such customer's failure to pay all or any part of the charge for the service to which such tax is attributable. Failure of the department to bill the customer for all or any part of any such tax to the department at any later time. No more than three (3) returned checks per customer will be acceptable in a twelve (12) month period. For a period of (12) months from the date of the third returned check, payment of bills to the department by said customer must be paid by cash or money order. (1988 Code, § 13-205)

**18-206. Termination/refusal of service.** The department shall have the right to discontinue service or to refuse to connect service for a violation of, or a failure to comply with any provision of the following:

(1) These rules and regulations, including the schedule of rates and charges;

(2) The customer's application/contract for service;

(3) The payment of any obligation due the department, including any required deposit.

Such right to discontinue service shall apply to all service received through a single tap or service line, 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 (1) such customer or tenant.

Discontinuance of service by the department for any causes 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 the minimum bill provisions or other provisions of the customer's contract.

The department shall have the right to refuse to render service to any applicant whenever the applicant or any member of the household, company or firm to which service is to be furnished is in default in the payment of any obligation to the department or has theretofore had his service disconnected because of a violation of the rules and regulations of the department.

If the department should for any reason begin to render service to an applicant to whom the department has a good and valid reason for refusing to render such service, the department shall have the right to discontinue such service at any time within one (1) year after such service is begun, even though such customer does nothing to justify the discontinuance of service during the time such service is being rendered.

In accordance and upon request of the customer prior to cut-off date, the department shall afford the customer an opportunity for a hearing for resolution of any dispute or the existence of the liability. The hearing shall be conducted by the department office manager. At the time of the hearing or earlier, the department shall permit the customer to inspect relevant records regarding his or her account.

The office manager will render a decision and shall immediately notify the customer. If the customer is not satisfied with the decision of the office manager, or if in unusual circumstances the manager desires to refer the matter to the utility director, a hearing will be conducted by the utility director who shall hear the evidence and render a final decision to the customer. The customer must request the hearing before the utility director immediately after a decision and before a cut-off. The customer's utility services shall not be terminated until a final decision is reached and the customer is notified of that decision. (Ord. #779-7-2012, July 2012)

The department has the following types of plans that may be used in the payment of bills:

- (a) **EXTENSIONS ON ONE (1) MONTH'S BILLS.** Where financial, health, unemployment or any other hardship conditions are known, a good customer may be granted additional time to pay the bill. In some cases the balance may be brought forward on the following month's bill. Collection charges may be applicable. This plan is primarily for a temporary hardship condition.
- (b) **EXTENDED PAYMENT PLAN.** The extended payment plan may be used to allow a good customer with an accumulated large balance to be spread out over a number of months, but in no case longer than a six (6) month period. Each month the customer must pay their current bill and the agreed monthly portion of the extended balance. Each month the agreed amount is billed until the balance is paid or if terminated, the entire balance will be payable on the final bill.
- (c) **LEVEL BILLING PROGRAM.** Senior citizens (age sixty-two (62) and older) or disabled persons will be allowed to participate in the level billing program. Participants must be a good customer on fixed income with at least one (1) year of utility service with the department.

This program allows the customer to receive their bill in equal amounts each month. The amount billed is based on previous service used in the past year. It allows the customer to budget themselves and not have to worry about unusually high bills. A review of their billing will be made in January and July of each year and changes in the monthly amount are made if warranted. (1988 Code, § 13-206)

**18-207. Service charge.** A nonrefundable service charge as per the schedule of rates and charges shall be applied for:

- (1) Service to a new customer;
- (2) Transfer of services;
- (3) Returned checks;
- (4) After hours service calls. (1988 Code, § 13-207)

**18-208. Collection charge.** There shall be a nonrefundable collection charge as per the schedule of rates and charges applied for collection of services rendered involved with nonpayment of bills as follows:

- (1) Applied as delinquent charge on outstanding bills immediately following due date; and
- (2) Applied as additional cost to customer involved with initial tampering of meter.

Collection charge shall apply per occurrence and not be cumulative in delinquent charges for nonpayment. (1988 Code, § 13-208)

**18-209. Reconnection charge.** There shall be a nonrefundable reconnection charge as per the schedule of rates and charges for reconnection of services discontinued for reason of nonpayment or for any other reason by fault of the customer. Collection of this charge shall be made before service is restored.

There shall be no charge in the event of connections in relation to emergency disconnections and connections during normal working hours. (1988 Code, § 13-209)

**18-210. Temporary service charges.** Customers requiring temporary service will be required to pay all costs as determined by the department for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for services used. This rule applies to circuses, carnivals, fairs, temporary construction and other temporary requirements. (1988 Code, § 13-210)

**18-211. Adjustment of water billing.** Customers will be notified by phone or email that a potential service leak exists. (Ord. #779-7-2012, July 2012)

To qualify for a water/or sewer billing adjustment, the customer must repair the leak and provide the department with a copy of plumbing repair bills and/or receipts for repair parts at the time bills are to be paid. Adjustments at a later date will not be considered.

Adjustments will be completed for a one (1) billing period only, unless it is determined that leakage occurred over two (2) consecutive billing periods. No more than one (1) adjustment per customer over a twelve (12) month period will be allowed.

Leakage adjustments for known water loss shall be based on the corresponding billing period of the previous year charged at the current water rate plus fifty percent (50%) of the excess consumption.

A customer's water billing must be at least five dollars (\$5.00) over the charge for the same period of the previous year to qualify for an adjustment.

For customers on the department sewer system an adjustment will be made as follows:

- (1) Water leakage that returns to the sewer system (i.e., toilet, sink, etc.) shall be adjusted based on the corresponding billing period of the previous year charged at the correct sewer rate plus fifty percent (50%) of the excess consumption in addition to the above water adjustment; or

- (2) Water leakage that does not return to the sewer system will be adjusted based on the corresponding billing period of the previous year and charged at the current sewer rate in addition to the above water adjustment.

When a customer files a complaint that the water bill of any period has been excessive, the department shall reread the meter to verify accuracy of the initial reading. If readings are in line, the customer may request a meter test for accuracy (see § 18-311 meter test), otherwise consumption has been verified. (1988 Code, § 13-211)

**18-212. Customer's responsibility for violations of rules and regulations.** Where the department furnishes service to a customer, such customer shall be responsible to the department for all violations of the rules, regulations, and rate schedules of the department, which violations occur on the premises served or in connection with such service. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on the customer. (1988 Code, § 13-212)

**18-213. Scope.** These rules and regulations and applicable rate schedules are a part of all contracts for receiving service from the department and apply to all service received from the department whether the service is based upon contract, agreement, signed application, or otherwise. (1988 Code, § 13-213)

**18-214. Conflict.** In case of conflict between any provision of any rate schedule and the rules and regulations, the rate schedule shall apply. (1988 Code, § 13-214)

**18-215. Revisions.** These rules and regulations and applicable rate schedules may be revised, amended, supplemented, or otherwise changed from time to time. Such changes, when effective, shall have the same force as the present rules, regulations and rate schedules. (1988 Code, § 13-215)

**18-216. Separability section.** If any clause, sentence, paragraph, section or part of these rules and regulations shall be declared invalid or unconstitutional, it shall not affect the validity of the remaining parts of these rules and regulations. (1988 Code, § 13-216)

**18-217. Filing and posting.** A copy of these rules and regulations, together with a copy of the department's schedules of rates and charges, shall be kept open to inspection at the offices of the department. (1988 Code, § 13-217)

**18-218. Standard forms.**

- (1) Application;
- (2) Billing;
- (3) Delinquent notice;
- (4) High water notice;
- (5) Obstruction notice. (1988 Code, § 13-218)

## CHAPTER 3

### WATER RULES AND REGULATIONS

#### SECTION

- 18-301. Definitions.
- 18-302. Service responsibilities of department.
- 18-303. Customer's responsibilities to department.
- 18-304. Eligible customers for water service.
- 18-305. Application for water service.
- 18-306. Installation of meter connections.
- 18-307. Street excavation and restoration.
- 18-308. Main extensions.
- 18-309. Easement rights and relocation of department's facilities.
- 18-310. Meter.
- 18-311. Meter tests.
- 18-312. Single point delivery.
- 18-313. Multiple services through a single meter.
- 18-314. Inspections.
- 18-315. Standby and resale service.
- 18-316. Cross connections.
- 18-317. Unauthorized use or interference with water supply.
- 18-318. Fire hydrants.
- 18-319. Limited use of unmetered private fire line.
- 18-320. Swimming pools.
- 18-321. Continuous flow on unmetered service.
- 18-322. Damages to property due to water pressure.
- 18-323. Customer's responsibility for violations of rules and regulations.
- 18-324. Scope.
- 18-325. Conflict.
- 18-326. Revisions.
- 18-327. Separability section.
- 18-328. Filing and posting.

**18-301. Definitions.** Wherever the context shall admit or require, words used herein in the singular shall include the plural, words used in the plural shall include the singular, words used in the masculine shall include the feminine, and words used in the feminine shall include the masculine.

(1) "Auxiliary buildings" means separate structures accompanying a dwelling or premises not designed for residential purposes (i.e., garage, pool house, outbuilding, etc.).

(2) "Customer" means any person who receives water service from the department under either an express or implied contract requiring such person to pay the department for such service.

(3) "Department" means the Savannah Utility Department, and its duly authorized officers and agents. The term "department" shall include the City of Savannah where the context so admits or requires.

(4) "Dwelling" means any single structure, with auxiliary buildings, occupied by one (1) or more persons or households for residential purposes.

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

(6) "Person" includes firms, corporations, governmental bodies, organizations, associations, and individuals.

(7) "Point of delivery," unless otherwise provided in an easement or other written agreement between the department and the customer or other owner of the service line to which the water service main is connected, shall be the location at which the water service main reaches the boundary line between the easement or public right of way in which the water service main is located, and the adjacent private property. However, where an outside meter and meter well on such a water service main are located within five feet (5') of such boundary line on either side thereof, the point of delivery shall be at the outlet side of the meter in metered connections and the outlet end of the pipe near the property line for unmetered connections.

(8) "Premises" means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premises" shall not include more than one (1) dwelling.

(9) "Service line" shall include any pipe line or related facility beyond the point of delivery, excluding meters, meter boxes, cut-off valves and meter connections. Service lines shall be the responsibility of the customer(s).

(10) "Water main" shall mean any pipeline or related facility up to and including a point of delivery, and shall not include any pipe line located on private property except in instances in which the department has been granted easement rights.

(a) "Water distribution main" is a water main that provides water service to, or is designed to provide water service to, more than one (1) service line, and that ordinarily is located in and extends longitudinally along a public street, road, similar public right-of-way, or easement.

(b) "Water service main" is the pipe and appurtenant facilities between a water distribution main and the point of delivery for the service line to which the water service main is connected. (1988 Code, § 13-301)

**18-302. Service responsibilities of department.**

(1) The department will use all reasonable diligence to provide a continuous and adequate supply of water, but does not guarantee same.

(2) The department will use reasonable diligence in supplying water, but will not be liable for breach of contract in the event of loss, injury, or damage to persons or property resulting from interruption in service, excessive or inadequate pressure, or otherwise unsatisfactory service, whether or not caused by negligence.



(3) The department will endeavor to furnish continuous water service, but neither the department nor the City of Savannah will be liable in damages or otherwise for any interruptions or resumptions of service whatsoever. Such interruptions of service will include, but not be limited to, a reduction of the department's water service by rules and regulations promulgated by duly authorized federal, state or local governmental agency. If practical, the department will notify customers in advance of its intention to discontinue service. Service will be measured as soon as possible after the cause(s) of the interruption have been removed.

(4) The department will not be responsible for any failure, shortage, restrictions or interruption of water due to Force Majeure. Force Majeure means an act of God, strikes, lockouts, other industrial disturbances, acts of the public enemy, wars, blockades, insurrections, riots, epidemics, landslides, lightning, earthquakes, fires, storms, floods, washouts, droughts, arrests and restraint of rulers and peoples, civil disturbances, explosions, breakage or accidents to the water system, the necessity for making repairs on alterations in the water system or any other cause, whether of the kind herein enumerated or not, not within the control of the department and which, by the exercise of reasonable care, the department is unable to prevent or overcome.

(5) When the department deems it necessary for the protection of the supply of water or for the protection of the department's system, the supply of water may be immediately discontinued or restricted in whole or in part. All water sold to customers is subject to interruption, discontinuance or curtailment by the department, regardless of priority observance, when an emergency exists or is imminent, justifying such interruption, discontinuance or curtailment. (1988 Code, § 13-302)

**18-303. Customer's responsibilities to department.**

(1) No customer will, in the distribution or use of water furnished by the department distribute or supply any water through any pipes or hoses installed across or along property owned by any other party or parties or installed across or along any public right-of-way unless the requirements of this paragraph are waived by a resolution duly adopted by the Savannah City Commission.

Said resolution shall state any requirements necessary as outlined by the commission in waiving of the above paragraph.

(2) Customers are liable for the cost of repairing meters or meter boxes set to serve their premises, provided repairs are necessitated by a change in grade of the lot or carelessness or lack of proper equipment on the part of the customer, his agent, employee or any member of his family. Since these boxes are either on or close to public rights-of-way, the removal of covers by an unauthorized person is prohibited in the interest of public safety.

(3) The customer must agree to allow right of access to the department's agents on the customer's premises at all reasonable times and for all necessary purposes.

(4) Only employees of the department will be permitted to turn water on or off at the curb cock, except as follows:

- (a) Cut-off made by plumber to make repairs on customer's water service;
- (b) Cut-off made by customer in time of emergency while department office is closed.

In either case, customer is liable for any damage to department equipment.

(5) The customer must contract and agree to pay for water service at the established rate in accordance with the operating procedures of the department.

(6) The customer is required to install a cut-off valve on their service line for purposes of cutting off water in case of a leak. (1988 Code, § 13-303)

**18-304. Eligible customers for water service.** Water service shall be run only to those applicants whose premises are abutting a dedicated street, alley, road or an easement where a department water main is present. If a water main is in close proximity to the premises requesting service, said main may be extended according to the main extension section.

Easements obtained across adjacent properties for purposes of meeting the above requirements will not be accepted so long as the property in question abuts a public right-of-way where a water main may be extended to provide service. (1988 Code, § 13-304)

**18-305. Application for water service.** In addition to application procedures as outlined in chapter two of the department's rules and regulations, new construction to be served by sanitary disposal other than the Savannah Sewer System shall first have sanitary disposal approved by the local state health department before water services can be provided. (1988 Code, § 13-305)

**18-306. Installation of meter connections.** Water service mains will be installed by the department from the water distribution main to the customer's point of delivery. The location of such water mains will be determined by the department.

Before a new or larger water service main will be installed by the department, the applicant shall pay the necessary cost for construction whenever required under these rules and regulations.

The department shall be responsible for the maintenance and upkeep of water mains to the point of delivery. In addition, the department shall be responsible for the maintenance and upkeep of meters, meter boxes, cut-off valves and meter connections with access thereto being required as previously provided. The service line and all other facilities (except meter, meter wells, meter boxes, cut-off valves and meter connections) beyond the point of delivery (even though such remaining portion is not located within the customer's property line) shall be the responsibility of the customer. Notwithstanding anything elsewhere herein provided, the department shall not be responsible for the maintenance and upkeep of any part of a service line.

Water service shall not be furnished to more than one (1) customer through a single service line unless it is clearly in the best interest of the department to provide such service. In the event that a present service line provides service to more than one (1) customer, the department may require that each customer served by such service line acknowledge, in a manner satisfactory to the department:

- (1) That the department is not responsible for the maintenance of such service line; and
- (2) That such customer is responsible for providing and maintaining such service line as previously provided.

The omission of the department to obtain any such acknowledgment shall neither add to the department's responsibility nor reduce the customer's responsibility for the maintenance of such service line.

Where a water line is adjacent to industrial property, the city will pay for labor to provide water lines to the property line of industrial customers and the industrial customers will pay for all materials. Under special circumstances, and upon consideration from the board of utilities, the city commission may consider a modification of this policy. (1988 Code, § 13-306, as amended by Ord. #562-4-98, June 1998)

**18-307. Street excavation and restoration.** In the event the department shall remove any pavement and dig a trench in making the connection from the water main to the property line, and shall damage the surface of any street, sidewalk, curb, or gutter, then the department shall refill any ditch so dug and repair any damage to any curb, gutter, or sidewalk. In refilling the ditch in said street, the department shall tamp the same and compact the dirt as near as possible to the condition it was before the opening of such ditch, and shall place on top of the same gravel or crushed stone for the purpose of the paved surface or pavement on the street being replaced. The replacing of the surface or pavement on the street shall be done by the street department of the City of Savannah within the corporate limits. County and state roads shall be the responsibility of the departments as negotiated with the individual government entity. (1988 Code, § 13-307)

**18-308. Main extensions.**

(1) Short main extensions to developed areas. The provisions of this section shall apply only to water distribution main extensions of five hundred feet (500') or less to areas where there is a demand for water service by the occupants of existing houses. This section shall in no event be applicable to land development projects and subdivision promotions, even though accompanied by the erection of occasional houses within such areas and requiring water distribution main extensions of five hundred feet (500') or less.

Owners of property to be served by a proposed water distribution main extension of the character to which this section applies shall pay to the department before the work is begun the regular tap fees for each connection desired immediately. The water distribution main shall be extended fifty feet (50') for each such connection at no cost to the owners. If additional main is required, the applicant for the extension shall pay in advance of construction the cost as

reasonably estimated by the department; and the department shall be under no obligation to make any refund of such payments or any part thereof. Extensions in this section will be extended to the structure to be served, if any, but in no case can the extension terminate short of mid-point of the property parcel.

Beginning with the completion of the water distribution main extension and installation of water connections, each customer shall pay to the department water bills at least equal to the minimum monthly charges prescribed by the applicable rules, regulations, and rate schedules of the department for each such connection regardless of the use made thereof.

An extension of a larger water distribution main to premises already served by a smaller water distribution main, when made at the request of a customer or customers and not by the department as an improvement to the department's water distribution system, shall be treated the same as an original water distribution main extension for the purposes of this section.

(2) Main extensions to areas to which subsection (1) is not applicable. The provisions of this subsection shall apply to all areas to which subsection (1) is not applicable and applies to all land development projects and subdivision promotions.

The person desiring water distribution main extensions or connections pursuant to this subsection must pay all the costs of making such extensions or connections including connecting mains to the department's existing water system located outside the area being developed or promoted. The applicant shall pay in advance of construction the estimated cost for work to be performed by the department.

Upon completion of such extensions and connections and their approval by the department, such water distribution mains and connections shall become the property of the department, and the persons paying the cost of constructing such mains and connections shall execute any written instrument requested by the department to provide evidence of the department's title to such mains and connections. In consideration of such mains and connections being transferred to the department, the department shall incorporate said mains and connections as an integral part of the department's water system and shall furnish water therefrom for the reasonable life of said mains and connections, in accordance with the department's rules and regulations and rate schedules, subject always to such limitations as may exist because of the size and elevation of said mains.

No refunds shall be made by the department for service connections attached to the mains installed pursuant to this section.

An extension of larger water distribution mains to premises already served by a smaller water distribution main, when made at the request of a customer or customers and not by the department as an improvement to the department's water distribution system, shall be treated the same as an original water main extension for the purposes of this section.

(3) The size, type and installation of water distribution mains to be extended must be approved by the department. Minimum standards are:

- (a) Six inch (6") minimum nominal diameter main within the City of Savannah Planning Region;

- (b) Four inch (4") minimum nominal diameter main maybe used outside the planning region only for short cul-de-sacs and permanent dead-ends where future growth is not feasible. The length of four inch (4") mains shall be restricted to three thousand feet (3,000') in any one (1) direction.
- (c) Six inch (6") minimum nominal diameter main for all other extensions outside the planning region not applicable in subsection (b) above.

(4) Should the department be unable to install a main extension, the customer or developer has the option to install a main extension, the customer or developer has the option to install the mains by a private contractor. If this option is selected, the customer or developer must install the mains in accordance with the department rules and regulations, specifications, policies and ordinances. All connections to existing department mains will be made by the department or its authorized agents at the expense of the customer or developer.

(5) The authority to make water main extensions pursuant to subsections (1) and (2) is permissive only; and nothing contained herein shall be construed as requiring the department to make water main extensions to furnish service to any person or persons, even though such prospective customers meet all of the requirements contained in subsections (1) and (2) so as to permit the department to make a main extension pursuant to said provisions.

(6) The department may extend water mains as it deems necessary in regards to water system improvements and expansions. (1988 Code, § 13-308)

**18-309. Easement rights and relocation of department's facilities.** In cases where the needs of one (1) or more customers are such as to make desirable the location of the department's water mains, and appurtenant facilities on the customer's property or other private property in order to provide service to such customer(s). The customer(s) shall provide adequate easement rights as required by the department for the department's facilities. The department shall not install such water mains and facilities and no applicant for service shall be entitled to such service until the department has been furnished, at no cost to the department, such indefeasible easement rights for such water mains and facilities at a location acceptable to the department. All persons having any interest in the property where such water mains and facilities of the department are located, shall be conclusively presumed to have agreed to the construction and continued maintenance of such water mains and facilities if at any time after the use thereof begins, a continuous period of six (6) months elapses during which no effort is made by the customer or by any person having an interest in such property, to have such water mains and facilities removed or relocated.

Any person wishing to have the department's water mains or facilities relocated for his convenience shall be entitled to have such water mains or facilities relocated only if:

- (1) An easement for a suitable substitute location acceptable to the department is provided at no cost to the department; and

(2) Satisfactory arrangements are made with the department for all expenses for any relocation work to be paid at no cost to the department.

Until arrangements acceptable to the department are made for providing water service to the premises served by such water mains or facilities, no person shall have the right to require the department to remove any such water mains or facilities even though the facilities are not in active use at the time. Neither the customer nor any other person shall do anything on the property where such water main and facilities are located, or allow any use thereof, which will endanger said water main and facilities or which will create a hazard by reason of the location or use of such water mains and facilities, or which will materially interfere with access thereto for the repair, maintenance and use thereof.

Any customer whose premises do not extend to a public street right-of-way or other public right-of-way from which water service can be safely and economically provided, shall be responsible for providing and maintaining without cost to the department an easement for the department's water facilities between the customer's premises and the public right-of-way from which such water service is to be or is being provided. Such customer shall also be responsible for providing and maintaining, including approved easements, all water facilities beyond such customer's point of delivery, which facilities are not owned by the department. This rule applies to all customers, present and future, including without limitation, those occupying apartments, office buildings, condominiums, shopping centers, parks, projects, developments, subdivisions, and other similar land uses. (1988 Code, § 13-309)

**18-310. Meter.** All meters shall be furnished, installed, owned, tested, repaired and removed by the department.

Department approval of meter locations shall be obtained prior to the installation of any service lines. The customer shall cause to be provided a suitable location, satisfactory to the department, for all metering equipment. The department shall have ready access at all times to such meter locations, whether inside or outside of buildings, for reading, inspection, repair, replacement and removal. The department reserves the right to move a meter at its own expense to a location which it deems to be more accessible or desirable. If meter is moved by the department, the customer will be required to move their service line to the new meter location at no cost to the department.

No one shall do anything which will in any way interfere with or prevent the proper registration of a meter. No one shall tamper with or work on a water meter without the written permission of the department. 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.

The department reserves the right to properly size the meter for usage by a customer. Second water meters may be obtained as per the schedule of rates and charges for purposes of watering that will not be sewerred (swimming pools, yards, gardens, etc.). These meters will be subject to a charge for water use only.

The following restrictions will apply in connection with second water meters:

(1) All cost involved in complying with cross connection regulations will be at the customer's expense;

(2) Customer must install an outside faucet for use in regulating their water flow; and

(3) Piping from a second water meter will not be connected in any way to piping from a meter that is being charged for water and sewer.

If determined by the department that customer is in violation of restriction (3) above, sewer charges for the past twelve (12) months will be billed and due in full by the customer on their next regular billing. Continued violations in this manner will result in permanent disconnection of a customer's second water meter with no refund of any monies to said customer. (1988 Code, § 13-3110)

**18-311. Meter tests.** The department will, at its own expense, make routine tests of meters when the department 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:

Meter Size	Percentage
5/8", 3/4", 1", 1 1/2"	3%
2" and over	5%

The department will make additional tests or inspections of its meters at the request of the customer. 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 schedule of rates and charges. In case the test shows a meter to be in excess of the above percentage, fast or slow, the meter will be replaced. An adjustment will be made in the customer's bill over a reasonable period as determined by the department. The cost of making the test for inaccurate meter will be borne by the department. (1988 Code, § 13-311)

**18-312. Single point delivery.** The rates fixed in the schedule of rates and charges for each class of service are based upon supply of service to the entire premises through a single point of delivery and meter location. Separate supply for the same customer at each additional point of delivery and meter location. Separate supply for the same customer at each additional point of delivery shall be separately metered and billed. (1988 Code, § 13-312)

**18-313. Multiple services through a single meter.** No customer shall supply water service to more than one (1) dwelling or premises from a single service line and meter with the following exceptions:

(1) Building under one ownership that has a number of apartments offices or stores under one (1) roof.

(2) Mobile home or trailer park (such park is defined as having three (3) or more units).

Contract for services of the above exceptions shall be with the owner. (1988 Code, § 13-313)

**18-314. Inspections.** The department shall have the right, but not be obligated, to inspect in any manner any service line, installation or plumbing system before water service is furnished or at any later time. The department reserves the right to refuse or discontinue service to any service line, plumbing system or other installation not in accordance with the standards fixed by the City of Savannah ordinances regulating plumbing or not in accordance with any special contract, these rules and regulations, or other requirements of the department.

Any failure to inspect or reject a customer's service line, installation or plumbing system shall not render the department liable or responsible for any loss or damage which might have been avoided, had such inspection or rejection been made. (1988 Code, § 13-314)

**18-315. Standby and resale service.** All purchased water (other than emergency or standby service) used on the premises of customer shall be supplied exclusively by the department and the customer shall not, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof, except with written permission from the department. (1988 Code, § 13-315)

**18-316. Cross connections.** No cross connection of any kind shall be permitted between the water supply from the department's mains and the water supply from any other source.

A cross connection is defined as any physical connection whereby the department's 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 department's water supply is possible either through the manipulation of valves or because of ineffective check or back pressure valves, or because of any other arrangement. Cross connection control shall be maintained as established by the department in conjunction with this chapter and Tennessee Code Annotated. (1988 Code, § 13-316)

**18-317. Unauthorized use or interference with water supply.** No person shall turn on or turn off any of the department's stop cocks, valves, spigots or fire hydrants, without permission or authority from the department. (1988 Code, § 13-317)

**18-318. Fire hydrants.** Fire hydrants shall be installed in the city on new mains as determined by the department. This also applies for areas in the county for locations where water mains have been designed for fire protection service and currently meet the state requirements for appropriate pressure and flows. These and existing fire hydrants shall be so indicated by a red colored body and bonnet.



Fire hydrants installed in the county at locations below minimum fire protection service will:

(1) Be installed at locations determined by the department and the county fire department for the restricted purpose of filing fire department equipment only;

(2) Be installed on no less than a six inch (6") main;

(3) Be indicated by a blue colored body and red bonnet.

Fire hydrants and blow-offs installed in the county not included in above sections are to be used only for flushing purposes by the department. These hydrants shall be so indicated by a blue colored body and bonnet.

Subject to approval of the department, water may be furnished to a customer through a public or unmetered private fire hydrant by obtaining a temporary hydrant permit. The use of water from a fire hydrant is not to be used as an alternate domestic supply or standby for a private water supply system and must be metered. (1988 Code, § 13-318)

**18-319. 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 department.

All private fire hydrants shall be sealed by the department, 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 the department's rules and regulations. When the seal is broken on account of fire, or for any other reason, the customer taking such service shall give the department written notice of such occurrence as soon as possible. (1988 Code, § 13-319)

**18-320. Swimming pools.** Swimming pools may be filled initially each year at one of the following options:

(1) Pools may be filled by the customer's residential service. If said customer has sewer service with the department, an adjustment will be made as per the water leak adjustment section, except the customer will be required to pay for all excessive water consumption instead of fifty percent (50%). This adjustment will count as the one adjustment allowed per twelve (12) months per customer as stated under the section "adjustment of water billing."

(2) Customer may fill pool from department fire hydrant if readily available to pool site. Temporary hydrant permit is required.

(3) Second water meter may be obtained. See "meter" section and schedule of rates and charges. (1988 Code, § 13-320)

**18-321. Continuous flow on unmetered service.** No customer taking water through an unmetered service shall use any device requiring or allowing a continuous flow of water unless such use has been approved in writing by the department. (1988 Code, § 13-321)

**18-322. Damages to property due to water pressure.** The department shall not be liable for any damages to a customer's plumbing or property, which damages may be caused by high pressure, by low pressure, or by fluctuation in pressure, in the department's water mains. (1988 Code, § 13-322)

**18-323. Customer's responsibility for violations of rules and regulations.** Where the department furnishes service to a customer, such customer shall be responsible to the department for all violations of the rules, regulations, and rate schedules of the department, when violations occur on the premises served or in connection with such service. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on the customer. (1988 Code, § 13-323)

**18-324. Scope.** These rules and regulations and applicable rate schedules are a part of all contracts for receiving service from the department and apply to all service received from the department whether the service is based upon contract, agreement, signed application, or otherwise. (1988 Code, § 13-324)

**18-325. Conflict.** In case of conflict between any provision of any rate schedule and the rules and regulations, the rate schedule shall apply. (1988 Code, § 13-325)

**18-326. Revisions.** These rules and regulations and applicable rate schedules may be revised, amended, supplemented, or otherwise changed from time to time. Such changes, when effective, shall have the same force as the present rules, regulations and rate schedules. (1988 Code, § 13-326)

**18-327. Separability section.** If any clause, sentence, paragraph, section or part of these rules and regulations shall be declared invalid or unconstitutional, it shall not affect the validity of the remaining parts of these rules and regulations. (1988 Code, § 13-327)

**18-328. Filing and posting.** A copy of these rules and regulations, together with a copy of the department's schedule of rates and charges, shall be kept open to inspection at the offices of the department. (1988 Code, § 13-328)

## CHAPTER 4

### WASTEWATER RULES AND REGULATIONS

#### SECTION

- 18-401. General provisions.
- 18-402. General sewer use requirements.
- 18-403. Pretreatment of wastewater.
- 18-404. Individual wastewater discharge permits.
- 18-405. Individual wastewater discharge permit issuance.
- 18-406. Reporting requirements.
- 18-407. Compliance monitoring.
- 18-408. Confidential information.
- 18-409. Publication of users in significant noncompliance.
- 18-410. Administrative enforcement remedies.
- 18-411. Judicial enforcement remedies.
- 18-412. Affirmative defenses to discharge violations.
- 18-413. Fees.
- 18-414. Severability.
- 18-415. Appendix – pollutant parameters.

#### **18-401. General provisions.**

(1) Purpose and policy. This ordinance sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system of the City of Savannah, Tennessee (hereinafter referred to as “the City”) and enables the City to comply with all applicable State and Federal laws required by the Clean Water Act of 1972, as amended, and the General Pretreatment Regulations (40 CFR Part 403).

The objectives of this Ordinance are:

- (a) To prevent the introduction of pollutants into the Publicly Owned Treatment Works (POTW) that will interfere with the operation of the system or contaminate any sludge resulting from the treatment of wastewater;
- (b) To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;
- (c) To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (d) To improve the opportunity to recycle and reclaim wastewater and sludges from the POTW;
- (e) To provide fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW; and
- (f) To enable the City of Savannah, Tennessee to comply with its National Pollutant Discharge Elimination System permit

conditions, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject.

This Ordinance provides for the regulation of contributors to the POTW through the issuance of permits and through enforcement of general requirements, authorizes monitoring and enforcement activities, requires User reporting, assumes that capacity of existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established to Users herein.

This Ordinance shall apply to all Persons within the corporate limits of the City of Savannah, Tennessee and to Persons outside the corporate limits of the City of Savannah, Tennessee who are, by contract or agreement with the City, Users of the POTW.

(2) Administration. Except as otherwise provided herein; the Control Authority shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the Control Authority may be delegated by the Control Authority to a Duly Authorized Representative of the Control Authority.

(3) Abbreviations. The following abbreviations, when used in this Ordinance, shall have the designated meanings:

BOD <sub>5</sub>	Biochemical Oxygen Demand-5
BMP	Best Management Practice
BMR	Baseline Monitoring Report
CBOD	Carbonaceous Biochemical Oxygen Demand
CIU	Categorical Industrial User
CFR	<i>Code of Federal Regulations</i>
COD	Chemical Oxygen Demand
EPA	U.S. Environmental Protection Agency
FOG	Fats, Oil, and Grease
Gpd	gallons per day
IU	Industrial User
lb	Pounds
mg/l	milligrams per liter
NAICS	North American Industry Classification System
NH <sub>3</sub> -N	Ammonia Nitrogen
NPDES	National Pollutant Discharge Elimination System
NSCIU	Non-Significant Categorical Industrial User
POTW	Publicly Owed Treatment Works
RCRA	Resource Conservation and Recovery Act
SIU	Significant Industrial User
SNC	Significant Noncompliance
TSS	Total Suspended Solids
U.S.C.	United States Code

(4) Definitions. Unless a provision specifically states otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

- (a) Act or “the Act” – The Federal Water Pollution Control Act, enacted by Public Law 92-500, October 18, 1972, 33 USC 1251 et seq.; as amended.
- (b) Approval Authority – The Commissioner of the Tennessee Department of Environment and Conservation or his Authorized Representative.
- (c) Authorized or Duly Authorized Representative of the User
  - (i) If the User is a corporation:
    - (A) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
    - (B) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
  - (ii) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively; or
  - (iii) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
  - (iv) The individuals described in paragraphs (1) through (3), hereinbefore, may designate a “Duly Authorized Representative” if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company and the written authorization is submitted to the Control Authority.
- (d) Best Management Practices (BMPs) – Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.9 [Tennessee Rule 0400-40-14-.05(1)(a) and (2)]. BMPs include treatment requirements, operating procedures, and practices to control

plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs also include alternative means (i.e. management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.

- (e) Biological Oxygen Demand (BOD<sub>5</sub>) – The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at 20<sup>0</sup> centigrade expressed in terms of weight (lbs) and/or concentration (mg/l).
- (f) Building Sewer – A sewer conveying wastewater from the premises of a User to the POTW.
- (g) Carbonaceous Biochemical Oxygen Demand (CBOD) – The quantity of oxygen utilized in the biochemical oxidation of organic matter under the standard laboratory procedure defined at 40 CFR Part 136, Method 405.1 including the use of a nitrification inhibitor.
- (h) Categorical Pretreatment Standards or Categorical Standard – Limitations on pollutant discharges to POTW's promulgated by EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to specified process wastewaters of particular industrial categories defined at 40 CFR 403.6 and at 40 CFR Chapter I, Subchapter N, Parts 405 through 471.
- (i) Categorical Industrial User – An Industrial User subject to Categorical Pretreatment Standards or Categorical Standard.
- (j) Chemical Oxygen Demand (COD) – A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.
- (k) Chronic Violation – Chronic violations of discharge limits, defined here as those which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter during a six (6) month period on a rolling quarter basis exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits.
- (l) City – The City of Savannah, Tennessee.
- (m) City Council – The persons elected Council of Mayor and Aldermen.
- (n) Control Authority – The City of Savannah, Tennessee or a Duly Authorized Representative of the City of Savannah.
- (o) Conventional Pollutants – Wastewater characteristics including biochemical oxygen demand (BOD), carbonaceous biochemical oxygen demand (CBOD), suspended solids (TSS), fecal coliform bacteria, oil and grease, and pH as defined at 40 CFR 401.16; and Ammonia Nitrogen (NH<sub>3</sub>-N), total Kjeldahl nitrogen (TKN), and E. coli bacteria.
- (p) Cooling Water – The water discharged from any use such as air conditioning, cooling or refrigeration, or which the only pollutant added is heat.
- (q) Daily Maximum Limit – The maximum allowable discharge of a pollutant during a calendar day. Where daily maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where maximum daily

limitations are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

- (r) Direct Discharge – The discharge of treated or untreated wastewater directly to the waters of the State of Tennessee.
- (s) Domestic Wastewater – Wastewater that is generated by a single family, apartment or other dwelling unit or dwelling unit equivalent containing sanitary facilities for the disposal of wastewater and used for residential purposes only and/or restroom wastes from commercial, institutional and Industrial Users.
- (t) Environmental Protection Agency (EPA) – The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other Duly Authorized Representative of said agency.
- (u) Existing Source – Any source of discharge that is not a “New Source.”
- (v) Grab Sample – A sample that is collected from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- (w) Grease Interceptor – An interceptor whose rated flow exceeds 50 gpm and is located outside the building.
- (x) Grease Trap – An interceptor whose rated flow is 50 gpm or less and is typically located inside the building.
- (y) Holding Tank Waste – Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- (z) Indirect Discharge – The discharge or the introduction of pollutants from any source regulated under Section 307(b), (c), or (d) of the Act, into the POTW (including Holding Tank Waste discharged into the POTW).
- (aa) Industrial User (IU) or User – Any person(s) who contributes causes or permits the contribution of wastewater into the City’s POTW, including the owner of any private property having a building sewer connected to the POTW sewer system.
- (bb) Instantaneous Maximum Limit – The maximum allowable concentration of a pollutant determined from the analysis of any discrete or composited sample collected, independent of the wastewater flow rate and the duration of the sampling event.
- (cc) Interceptor – A device designed and installed to separate and retain for removal, by automatic or manual means, deleterious, hazardous, or undesirable matter from normal wastes, while permitting normal sewage or waste to discharge into the drainage system by gravity.
- (dd) Interference – A discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes, use or disposal; or exceeds the design capacity of the POTW Treatment Plant or the POTW wastewater transportation system.

- (ee) Local Limit – Specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in Tennessee Rule 0400-40-14-.05(1)(a) and (2).
- (ff) Medical Waste – Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- (gg) Monthly Average – The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
- (hh) Monthly Average Limit – The highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” during that month.
- (ii) National Pollutant Discharge Elimination System (NPDES) Permit – A permit issued to a POTW pursuant to Section 402 of the Act.
- (jj) National Pretreatment Standard or Standard – Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Federal Clean Water Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to Tennessee Rule 0400-40-14-.05.
- (kk) National Prohibited Discharges – Prohibitions applicable to all nondomestic dischargers regarding the introduction of pollutants into POTW’s set forth in 40 CFR 403.5.
- (ll) New Source – Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed National Pretreatment Standards promulgated under Section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that Section provided that:
  - (i) The building, structure, facility or installation is constructed at a site at which no other source is located; or
  - (ii) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - (iii) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of any existing source at the same site. In determining whether the production of wastewater generating processes of the building, structure, facility or installation are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source will be considered.



Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of subparagraphs (ii) or (iii) hereinbefore of this Section, but otherwise alters, replaces or adds to existing process or production equipment.

Construction of a New Source as defined under this Section has commenced if the owner or operator has:

- (i) Begun, or caused to begin as part of a continuous on-site construction program any replacement, assembly or installation of facilities or equipment; or significant site preparation work including clearing, excavation or removal of existing buildings, structures or facilities that are necessary for the placement, assembly or installation of New Source facilities or equipment; or
  - (ii) Entered into a binding contractual obligation for the purchase of facilities or equipment that is intended to be used in its operation within a reasonable time. Options to purchase or contracts that can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this Section.
- (mm) Noncontact Cooling Water – Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
  - (nn) North American Industrial Classification System (NAICS) – A classification pursuant to the North American Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 2007.
  - (oo) Pass Through – A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement or the City’s NPDES permit, including an increase in the magnitude or duration of a violation.
  - (pp) Person – Any and all persons, including individuals, partnerships, copartnerships, firms, companies, public and private corporations or officers thereof, associations, joint stock companies, trusts, estates, state and federal agencies, municipalities or political subdivisions, or officers thereof, departments, agencies, or instrumentalities organized or existing under the laws of this or any state or country. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
  - (qq) pH – The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution which is the measure of acidity or alkalinity of a solution.

- (rr) Pollutant – The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
- (ss) Pollution – Any dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged to water.
- (tt) Pretreatment – The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except as prohibited by Tennessee Rule 0400-40-14-.06(4). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with Tennessee Rule 0400-40-14-.06(5).
- (uu) Pretreatment Requirements – Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User, including but not limited to discharge, sampling requirements, analytical requirements, reporting requirements, and compliance schedules.
- (vv) Pretreatment Standard or Standards – Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.
- (ww) Publicly Owned Treatment Works (POTW) – A treatment works as defined by Section 212 of the Act (33 U.S.C., Section 1292) that is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of wastewater and any conveyances that convey wastewater to the POTW Treatment Plant. For the purposes of this Ordinance, POTW shall also include any devices or systems used in the collection, storage, and/or conveyance of wastewaters to the POTW from persons outside the corporate limits of the City who are, by contract or agreement with the City, Users of the City POTW.
- (xx) POTW Treatment Plant, Wastewater Treatment Plant, or Treatment Plant – That portion of the POTW designed to provide treatment of wastewater.
- (yy) Sanitary Sewer – A sewer pipeline that carries liquid and water-carried wastes from residences, commercial buildings, industrial

plants, and institutions, together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

(zz) Shall is mandatory; May is permissive.

(aaa) Significant Industrial User (SIU).

Except as provided in paragraphs (iii) and (iv) of this Section, a Significant Industrial User is:

- (i) All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, subchapter N; and
- (ii) Any other industrial user that:
  - (A) Discharges an average of twenty-five thousand (25,000) gallons more per day or more of process wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater) to the POTW;
  - (B) Contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
  - (C) Is designated as such by the Control Authority on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement (in accordance with TCA 0400-40-14-.08(6)(f).
- (iii) The Control Authority may determine that an Industrial User subject to categorical Pretreatment Standards under Tennessee Rule 0400-40-14-.06 and 40 CFR Chapter I, subchapter N is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
  - (A) The Industrial User, prior to the Control Authority's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
  - (B) The Industrial User annually submits the certification statement(s) required in Section 7.14 [Tennessee Rule 0400-40-14-.12(17)], together with any additional information necessary to support the certification statement; and
  - (C) The Industrial User never discharges any untreated concentrated wastewater.
- (iv) Upon finding that a User meeting the criteria in Subsection (b) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the Control Authority may at any

time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in Tennessee Rule 0400-40-14-.08(6) (f), determine that such User is not a Significant Industrial User.

- (bbb) Significant Noncompliance (SNC) – Any violation of pretreatment requirements which meet one or more of the following criteria:
- (i) Violations of Wastewater Discharge Limits
    - (A) Chronic Violations;
    - (B) Technical Review Criteria (TRC) Violations;
    - (C) Any other violation(s) of an individual wastewater discharge permit effluent limit that the Control Authority believes has caused, alone or in combination with other discharges, interferences (e.g., slug loads) or pass-through; or endangered the health of the POTW personnel or the public; or
    - (D) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.
  - (ii) Violations of Compliance Schedule Milestones, contained in an enforcement order by ninety (90) days or more after the schedule date. Milestones may include but not be limited to dates for starting construction, completing construction and attaining final compliance.
  - (iii) Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, 90-day compliance reports and periodic reports) within forty-five (45) days from the due date.
  - (iv) Failure to accurately report noncompliance.
  - (v) Violation or a group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.
- (ccc) Significant Violation – A violation which remains uncorrected forty five (45) days after notification of noncompliance; which is part of a pattern of noncompliance over a twelve (12) month period; or which involves a failure to accurately report noncompliance; or which resulted in the POTW exercising its emergency authority under 40 CFR 403.8(f)(2)(vi)(B) and 403.8(f)(2)(vii).
- (ddd) Slug Control Plan – A plan to control slug discharges, which shall include, as a minimum:
- (i) Description of discharge practices, including non-routine batch discharges;
  - (ii) Description of stored chemicals;
  - (iii) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a

- discharge prohibition under this Ordinance, or 40 CFR 403.5(b), with procedures for follow-up written notification within 5 days;
- (iv) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and/or measures and equipment for emergency response.
- (eee) Slug Load or Slug Discharge – Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 18-402 – General Sewer Use Requirements – of this Ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including, but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.
- (fff) Source – Any activity, operation, construction, building, structure, facility, or installation (permanent or temporary) from which there is or may be the discharge of pollutants.
- (ggg) State – State of Tennessee.
- (hhh) Storm Water – Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- (iii) Surcharge – A fee charged to Industrial users in excess of the normal Sewer User Charge to cover the additional expenses incurred by the POTW for treating conventional pollutants of a higher concentration than the POTW Treatment Plant was designed to treat at the normal sewer charge.
- (jjj) Technical Review Criteria (TRC) Violation – Technical Review Criteria (TRC) violations, defined here as those in which thirty three percent (33%) or more of the wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 1.4 of this Ordinance multiplied by the applicable TRC (TRC = 1.4 for BOD<sub>5</sub>, TSS, COD, TKN, NH<sub>3</sub>-N, fats, oil and grease, and 1.2 for all other parameters except pH).
- (kkk) Total Suspended Solids or Suspended Solids – The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering.
- (lll) Toxic Pollutant – Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the

Environmental Protection Agency under the provision of Section 307(a) of the Act (40 CFR Part 403, Appendix B).

- (mmm) Upset – An exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
- (nnn) User or Industrial User – Any person(s) who contributes causes or permits the contribution of wastewater into the City’s POTW, including the owner of any private property having a building sewer connected to the POTW sewer system.
- (ooo) Wastewater – The liquid and water-carried industrial or domestic wastes from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, together with any ground, surface, and/or storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.
- (ppp) Waters of the State – All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof. (Ord. #801-11-2014, December 2014)

**18-402. General sewer use requirements.**

(1) Connection to Public Sewer

(a) Requirements for Proper Waste Disposal

- (i) It shall be unlawful for any Person to place, deposit or permit to be deposited in any unsanitary manner any Wastewater on public or private property within the service area of the City.
- (ii) This paragraph is held in reserve.
- (iii) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
- (iv) Except as provided in Section 18-402.1a.(v), the owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes abutting on any street, alley or right-of-way in which there is now located a public sanitary sewer, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance

with the provisions of this Ordinance, within sixty (60) days after the date of official notice to do so, provided that said public sewer is within two hundred (200) feet of the owner's property.

(v) The owner of a manufacturing facility may discharge wastewater to the waters of the State provided he obtains an NPDES permit and meets all requirements of the Federal Clean Water Act, the NPDES permit and any other applicable local, State or Federal statutes and regulations.

(vi) Where a public sanitary sewer is not available under the provisions of Section 18-402.1a.(iv), the Building Sewer shall be connected to a private subsurface sewage disposal system complying with the provisions of State law and regulations governing subsurface sewage disposal systems.

(b) Physical Connection of Building Sewers to the POTW

(i) No unauthorized person shall uncover, make any connections with or opening into, use, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Control Authority as required by this Ordinance.

(ii) All costs and expenses incident to the installation, connection, and inspection of Building Sewers shall be borne by the User. The User shall indemnify the Control Authority from any loss or damage that may directly or indirectly be occasioned by the installation of the Building Sewer.

(iii) A separate and independent Building Sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway, the Building Sewer from the front building may be extended to the rear building and the whole considered as one Building Sewer.

(iv) Old Building Sewers may be used in connection with a new building only when they are found, on examination and testing by the Control Authority, to meet all requirements of this Ordinance. All others must be sealed to the specifications of the Control Authority.

(v) Building Sewers shall conform to the following requirements:

(A) The minimum size of a Building Sewer for connection of residential users to the POTW shall be four (4) inches.

(B) The minimum size of Building Sewer for connection of commercial, institutional, and industrial users to the POTW shall be six (6) inches.

(C) The minimum depth of cover above a Building Sewer shall be eighteen (18) inches.

(D) Four (4) inch Building Sewers shall be laid on grade greater than ¼-inch per foot. Six (6) inch Building

Sewers shall be laid on a grade greater than 1/8-inch per foot. Larger Building Sewers shall be laid on a grade that will produce a velocity when flowing full of at least 3.0 feet per second.

- (E) Slope and alignment of all Building Sewers shall be neat and regular.
- (F) Building Sewers shall be constructed only of cast iron soil pipe or ductile iron pipe with compression joints or polyvinyl chloride pipe with compression joints or polyvinyl chloride pipe with rubber compression joints. Under no circumstances will cement mortar joints be acceptable.
- (G) Cleanouts shall be located on Building Sewers as follows: one no closer than eighteen (18) inches to the building and no more than five (5) feet outside of the building, one at the connection onto the POTW and one at each change of direction of the Building Sewer which is greater than 45 degrees. Additional cleanouts shall be placed not more than seventy-five (75) feet apart in horizontal Building Sewers of four (4) inch nominal diameter and not more than one-hundred (100) feet apart for larger pipes. Cleanouts shall be extended to or above the finished grade level directly above the place where the cleanout is installed. A branch "Y" (wye) and 1/8 bend shall be used for the cleanout base. Cleanouts shall not be smaller than four (4) inches.
- (H) Connections of Building Sewers to the POTW shall be made at the appropriate existing wye or tee branch using compression type couplings or collar type rubber joint with corrosion resisting or stainless steel bands. Where existing wye or tee branches are not available, connections of Building Sewers shall be made by either removing a length of pipe and replacing it with a wye or tee fitting or cutting a clean opening in the existing public sewer and installing a tee-saddle or tee-insert of a type approved by the Control Authority. All such connections shall be made gastight and watertight.
- (I) The Building Sewer may be brought into the building below the basement floor when the Building Sewer can be constructed at the grade required in Section 18-402.1b.(v)D. from the building to the public sewer. In cases where basement or floor levels are lower than the ground elevation at the point of connection to the public sewer, adequate precautions by installation of check valves or other backflow prevention devices to protect against flooding shall be provided by the User. In all



buildings in which any Building Sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such Building Sewer shall be lifted by an approved means such as a grinder pump and discharged to the Building Sewer at the expense of the User.

(J) The methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench or other activities in the construction of the Building Sewer which have not been described above shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the ASTM and Water Pollution Control Federation Manual of Practice No. 9. Any deviation from the prescribed procedures and materials must be approved by the Control Authority before installation.

(K) An installed Building Sewer shall be gastight and watertight.

(vi) All excavations for Building Sewer installation shall be adequately guarded with barricades and lights to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

(vii) No Person shall make connection of roof downspouts, exterior foundation drains, area drains, basement drains, or other sources of surface runoff or groundwater to a Building Sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer.

(c) Inspection of Connections

(i) The connection of the Building Sewer to the public sewer and all Building Sewers from the building to the public sewer main line shall be inspected by the Control Authority or his Duly Authorized Representative before the underground portion is covered.

(ii) The applicant for discharge shall notify the Control Authority when the Building Sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Control Authority or his Duly Authorized Representative.

(d) Maintenance of Building Sewers

Each individual User of the POTW shall be entirely responsible for the maintenance of the Building Sewer located on private property to insure that the Building Sewer is watertight. This maintenance will include repair or replacement of the Building Sewer as deemed necessary by the Control Authority to meet the requirements of this

Ordinance. If, upon smoke testing or visual inspection by the Control Authority, roof downspout connections, exterior foundation drains, area drains, basement drains, Building Sewer leaks, or other sources of rainwater, surface runoff, or groundwater entry into the POTW are identified on Building Sewers on private property, the Control Authority may take any of the following actions:

- (i) Notify the User in writing of the nature of the problem(s) identified on the User's Building Sewer and the specific steps required to bring the Building Sewer within the requirements of this Ordinance. All steps necessary to comply with this Ordinance must be completed within sixty (60) days from the date of the written notice and entirely at the expense of the User.
- (ii) Notify the User in writing of the nature of the problem(s) identified on the User's Building Sewer and inform the User that the City will provide all labor, equipment, and materials necessary to make the repairs required to bring the Building Sewer within the requirements of this Ordinance. The work on private property will be performed at the City's convenience and the cost of all materials used will be charged to the User. The City will be responsible for bringing any excavations back to original grade, replacing topsoil and hand raking all disturbed areas; however, the property owner shall be responsible for final landscaping, including but not limited to seeding, fertilizing, watering, mulching, sodding, and replacing any shrubbery or trees displaced or damaged by the City during the execution of the work.

- (2) Prohibitions on Storm Drainage and Groundwater. Storm water, groundwater rain water, street drainage, roof top drainage, basement drainage, subsurface drainage, or yard drainage, if unpolluted, shall not be discharged to the POTW.
- (3) Unpolluted Water. Unpolluted water, including, but not limited to cooling water or process water, shall not be discharged to the POTW unless such discharge is permitted by the User's wastewater discharge permit.
- (4) Limitations of the Use of Garbage Grinders. Waste from garbage grinders shall not be discharged into the POTW except where generated in preparation of food consumed on the premises. Such grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the POTW sewer. Garbage grinders shall not be used for the grinding of plastic, paper products, inert materials, or garden refuse. This provision shall not apply to domestic residences.
- (5) Limitation on Point of Discharge. No Person shall discharge any substance directly into a manhole or other opening in a POTW sewer

other than through an approved Building Sewer unless a temporary permit by the Control Authority has been issued. The Control Authority shall incorporate in such temporary permit such conditions as the City deems reasonably necessary to insure compliance with the provisions of this article and the User shall be required to pay applicable charges and fees thereof.

- (6) Septic Tank Pumping, Hauling, and Discharge. No Person owning vacuum or “cesspool” pump truck or other liquid waste transport truck shall discharge such sewage into the POTW, unless waste transport trucks have applied for and received a Truck Discharge Operation Permit from the Control Authority. All applicants for a Truck Discharge Operation Permit shall complete such forms as required by the Control Authority, pay appropriate fees, and agree in writing to abide by the provisions of this article and any special conditions or regulations established by the Control Authority. The owners of such vehicles shall affix and display the permit number on the side of each vehicle used for such purposes. Such permits shall be valid for a period of one (1) year from date of issuance provided such permit shall be subject to revocation by the Control Authority for violation of any provision of this article or reasonable regulation established by the Control Authority. Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste. The Control Authority shall designate the locations and times where such trucks may be discharged, and may refuse to accept any truckload of waste where it appears that the waste could interfere with the effective operation of the POTW treatment works or any sewer line or appurtenance thereto. The Control Authority shall incorporate in such Truck Discharge Operation Permit such conditions necessary to insure compliance with the provisions of this article and the charge (on a volume basis) for disposal of wastewater or sludge removed from septic tanks into the POTW.
- (7) Other Holding Tank Waste. No Person shall discharge any other holding tank waste into the POTW unless he has been issued a permit by the Control Authority. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. The permit shall state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge, and shall limit the wastewater constituents and characteristics of the discharge. Such User shall pay any applicable charges or fees, and shall comply with the conditions of the permit issued by the Control Authority. Provided, however, no permit will be required to discharge domestic waste from a recreational vehicle holding tank provided such discharge is made into an approved facility designed to receive such waste.

(8) On-Site Wastewater Disposal Facilities. No Person shall discharge untreated wastewater from on-site private sewage disposal facilities including, but not limited to sanitary pit privies, septic tanks, and cesspools to drainage ditches or the surface of the ground. All on-site private wastewater disposal facilities shall be properly operated and maintained by the owner of the property on which the facilities are located. Any new construction of on-site private wastewater disposal facilities shall be in accordance with State requirements.

(9) Prohibited Discharge Standards.

- (a) General Prohibitions. No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to Categorical Pretreatment Standards or any other Federal, State, or local Pretreatment Standards or Requirements.
- (b) Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
  - (i) Any liquids, solids, or gases which, by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the POTW system (or at any point in the POTW) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter or have a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius) using the test methods specified in 40 CFR 261.21;
  - (ii) Wastewater having a pH less than 5.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW;
  - (iii) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interferences with the operation of the wastewater treatment facilities such as, but not limited to: grease garbage with particles greater than one-half inch (1/2") or one and 27 hundredths (1.27) centimeters in any dimension; animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, and feathers from slaughter houses; ashes or cinders from sawmills; sand, spent lime, stone or marble dust from stone work facilities; metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass

- grinding or polishing waxes; towels, rags, or sanitary wipes from health care facilities;
- (iv) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;
  - (v) Wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees Fahrenheit (40 degrees Celsius);
  - (vi) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference with the POTW or Pass Through;
  - (vii) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
  - (viii) Trucked or hauled pollutants, except at discharge points designated by the Control Authority in accordance with Section 18-402.6 of this Ordinance;
  - (ix) Noxious or malodorous liquids, gases, or solids, or other non-domestic wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
  - (x) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's NPDES permit;
  - (xi) Wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Control Authority in compliance with applicable State or Federal regulations;
  - (xii) Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by the Control Authority;
  - (xiii) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
  - (xiv) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;
  - (xv) Detergents, surface-active agents, or other substances that might cause excessive foaming in the POTW;

- (xvi) Any wastewater which causes a hazard to human life or creates a public nuisance;
- (xvii) Any Fats, Oils, or Grease of animal or vegetable origin and Waste Food and Sand that cause an upset, interference, or the POTW to violate its NPDES permit in concentrations greater than specified at Table 1: Industrial Wastewater Specific Pollutant Limitations and the table insert Threshold Limitations on Wastewater Strength Exceedances that may be subject to surcharge Refer to the specific guidelines for control at Section 18-402.10.

When the Control Authority determines that a User is contributing to the POTW any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the Control Authority shall: 1) advise the User(s) of the impact of the contribution on the POTW and 2) develop effluent limitations for such User(s) to correct the Interference with the POTW.

Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

- (10) Fats, Oils and Grease, Waste Food, and Sand Guidelines. Fats, oil, grease, waste food, and sand in the POTW can interfere with the collection system and wastewater treatment facility by causing blockages and plugging of pipelines, problems with normal operation of pumps and their controls, and contribute waste of a strength or form that is beyond the treatment capability of the treatment plant.
  - (a) Interceptors. Fats, Oil, and Grease (FOG), waste food, and sand interceptors shall be installed when, in the opinion of the Control Authority, they are necessary for the proper handling of liquid wastes containing fats, oils, and grease, ground food waste, sand, soil, and solids, or other harmful ingredients in excessive amounts which impact the POTW. Such interceptors shall not be required of single-family residences, but may be required for multiple family residences. All interceptors shall be of a type and capacity approved by the Control Authority, and shall be located as to be readily and easily accessible for cleaning and inspection.
    - (i) Fats, Oil, Grease, and Food Waste
      - (A) New Food Service Facility. On or after the effective date of this Ordinance, food service facilities which are newly proposed or constructed, shall be required to install, operate and maintain a grease interceptor with a minimum capacity of 750 gallons located on the exterior of the building. Approval of the installation of a grease trap instead of a grease interceptor at a new food service facility can be obtained for those facilities where inadequate space is available for the installation of a

grease interceptor. Design criteria shall conform to the standard in accordance with any provisions of the plumbing Code as adopted by the City of Savannah and Tennessee Department of Environment and Conservation engineering standards or applicable local guidelines.

- (B) **Existing Food Service Facilities.** On or after the effective date of this Ordinance, existing food service facilities or food service facilities which will be expanded or renovated shall install a grease trap or grease interceptor when, in the opinion of the Control Authority, necessary for the control of FOG and food waste. Upon notification, the facility must be in compliance within 90 days (unless due case of hardship may be proven). The facility must service and maintain the equipment in order to prevent adverse impact upon the POTW. If in the opinion of the Control Authority the user continues to impact the POTW, additional pretreatment measures may be required.
- (ii) **Sand, Soil, and Oil.** All car washes, truck washes, garages, service stations, and other sources of sand, soil, and oil shall install effective sand, soil, and oil interceptors when directed by the Control Authority. These interceptors shall be sized to effectively remove sand, soil, and oil at the proper flow rates. These interceptors shall be cleaned on a regular basis to prevent impact upon the POTW. Owners whose interceptors are deemed to be ineffective by the Control Authority may be asked to change the cleaning frequency or to increase the size of the interceptors. Owners or operators of washing facilities shall prevent the inflow of rainwater into the sanitary sewer.
- (iii) **Laundries.** Where directed by the Control Authority commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage into the POTW of solids ½-inch or larger in size such as strings, rags, buttons, or other solids detrimental to the POTW.

The equipment or facilities installed to control FOG, food waste, sand, and soil shall be designed in accordance with Southern Plumbing Code and Tennessee Department of Environment and Conservation engineering standards or applicable local guidelines. Underground equipment shall be tightly sealed to prevent inflow of rainwater and easily accessible to allow regular maintenance and inspection. Control equipment shall be maintained by the owner or operator of the facility to prevent a stoppage of the public sewer, and the accumulation of FOG in the POTW. If the Control Authority is required to clean out the public sewer lines as a result of a

stoppage resulting from poorly maintained control equipment, or lack thereof, the owner or operator shall be required to refund the labor, equipment, materials and overhead costs to the Control Authority. Nothing in this section shall be construed to prohibit or restrict any other remedy the Control Authority has under this ordinance, or state or federal law.

The Control Authority retains the right to inspect and approve installation of the control equipment.

There shall be no charge for random inspections conducted by the Control Authority personnel on traps or interceptors. If a trap or interceptor has to be re-inspected because of deficiencies found during the previous inspection by the Control Authority personnel, and all of the deficiencies have been corrected, there shall be no charge for the re-inspection. If all of the deficiencies have not been corrected, a first re-inspection fee of \$50 shall be charged to the facility. If a second re-inspection is required, a second re-inspection fee of \$150 shall be charged to the facility if all of the deficiencies have still not been corrected. If three or more re-inspections are required, a re-inspection fee of \$300 for each successive re-inspection shall be charged to the facility in addition to other enforcement actions if all of the deficiencies have not been corrected.

(b) Solvents. The use of degreasing or line cleaning products containing petroleum-based solvents is prohibited.

(11) National Categorical Pretreatment Standards. Users must comply with the

categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 and shall serve as the minimum requirements.

(a) Where a categorical Pretreatment Standard is expressed in terms of either the mass or the concentration of a pollutant in wastewater, the Control Authority may impose equivalent concentration or mass limits in accordance with Section 18-402.11e. and 18-402.11f. as allowed at 40 CFR 403.6(c).

(b) When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Control Authority may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users as allowed at 40 CFR403.6(c)(2).

(c) When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Control Authority shall impose an alternate limit in accordance with Tennessee Rule 0400-40-14-.06(5).



- (d) A CIU may obtain a net/gross adjustment to a categorical Pretreatment Standard in accordance with the following paragraphs of this Section as allowed at 40 CFR 403.15.
- (i) Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water in accordance with this Section. Any Industrial User wishing to obtain credit for intake pollutants must make application to the City. Upon request of the Industrial User, the applicable Standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraph (ii) of this Section are met.
  - (ii) Criteria:
    - (A) Either 1) The applicable categorical Pretreatment Standards contained in 40 CFR Chapter I, subchapter N specifically provide that they shall be applied on a net basis; or 2) The Industrial User demonstrates that the control system it proposes or uses to meet applicable categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.
    - (B) Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease, etc. shall not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.
    - (C) Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this Section.
    - (D) Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The City may waive this requirement if it finds that no environmental degradation will result.
  - (e) When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the City convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Control Authority. The City may establish equivalent mass

limits only if the Industrial User meets all the conditions set forth in Sections 18-402.11e.(i)A. through 18-402.11e.(i)E. below.

- (i) To be eligible for equivalent mass limits, the Industrial User must:
  - (A) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
  - (B) Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
  - (C) Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate must be representative of current operating conditions;
  - (D) Not have daily flow rates, production levels or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and
  - (E) Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.
- (ii) An Industrial User subject to equivalent mass limits must:
  - (A) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
  - (B) Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
  - (C) Continue to record the facility's production rates and notify the Control Authority whenever production rates are expected to vary by more than 20 percent (20%) from its baseline production rates determined in paragraph 18-402.11e.(i)C. of this Section. Upon notification of a revised production rate, the Control Authority will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
  - (D) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs 18-402.11e.(i)A. of this Section so long as it discharges under an equivalent mass limit.
- (iii) When developing equivalent mass limits, the Control Authority:
  - (A) Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-

- based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;
- (B) Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
  - (C) May retain the same equivalent mass limit in subsequent individual wastewater discharge permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 18-402.16. The Industrial User must also be in compliance with Section 18-412.3 regarding the prohibition of bypass.
- (f) The Control Authority may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the Control Authority. When converting such limits, the Control Authority will use the concentrations listed in the applicable subparts of 40 CFR Parts 414, 419, and 455 and document that dilution is not being substituted for treatment as prohibited by Section 18-402.16 of this Ordinance (see 40 CFR 403.6(d)). In addition, the Control Authority will document how the equivalent limits were derived for any changes from concentration to mass limits, or vice versa, and make this information publicly available (see 40 CFR 403.6(c)(7)).
  - (g) Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section (18-402.11) in lieu of the promulgated categorical Standards from which the equivalent limitations were derived.
  - (h) Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.
  - (i) Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Control Authority within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Control Authority of such

anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

(12) Modification of National Pretreatment Standards. If the POTW achieves consistent removal of pollutants limited by the National Pretreatment Standards, the City may apply to the Approval Authority for modifications of specific limits in the National Pretreatment Standards. “Consistent Removal” shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the POTW to a less toxic or harmless state in the effluent which is achieved by the system in ninety-five (95) percent of the samples taken when measured according to the procedures set forth in 40 CFR 403.7(a)(3)(ii) – General Pretreatment Regulations for Existing and New Sources of Pollution, promulgated pursuant to the Act. The City may then modify pollutant discharge limits in the National Pretreatment Standards, if the requirements continued in 40 CFR 403.7 are fulfilled and approval is obtained from the Approval Authority.

(13) State Pretreatment Standards. Users must comply with Tennessee Pretreatment Standards codified at *T.C.A. §§ 69-3-101 et seq.* and *4-5-201 et seq.*

(14) Local Limits.

(a) The Control Authority is authorized to establish Local Limits pursuant to Tennessee Rule 0400-40-14-.05(3).

(b) Specific Pollutant Limitations. Pollutant limits are established to protect against Pass Through and Interference. For a list of the specific pollutants and respective concentrations refer to Appendix (latest revision), Table 1: Industrial Wastewater Specific Pollutant Limitations. No Person shall discharge wastewater containing in excess of the limits for each pollutant unless:

(i) An exception has been granted by the Control Authority to the User; or

(ii) The wastewater discharge permit of the User provides as a special permit condition a higher interim concentration level in conjunction with a requirement that the User construct a pretreatment facility or institute changes in operation and maintenance procedures to reduce the concentration of pollutants to levels not exceeding the standards set forth in Table 1: Industrial Wastewater Specific Pollutant Limits (refer to Appendix A) within a fixed period of time.

Analyses for all pollutants listed at Table 1: Industrial Wastewater Specific Pollutant Limitations (refer to Appendix) shall be conducted in accordance with the requirements of 40 CFR Part 136 or equivalent methods approved by the United States Environmental Protection Agency.

(c) Criteria to Protect the POTW Treatment Plant Influent. The City shall monitor the treatment works influent for each

parameter listed in Appendix (latest revision), Table 2: Criteria to Protect the Treatment Plant Influent. Analyses for all pollutants listed at Table 2: Criteria to Protect the Treatment Plant Influent (refer to Appendix) shall be conducted in accordance with the requirements of 40 CFR Part 136 or equivalent methods approved by the United States Environmental Protection Agency. Industrial Users shall be subject to the reporting and monitoring requirements set forth in Section 18-406 and 18-407 of this Ordinance as to these parameters. In the event that the influent at the treatment works reaches or exceeds the levels established by Table 2: Criteria to Protect the Treatment Plant Influent (refer to Appendix), the Control Authority shall initiate technical studies to determine the cause of the influent violation and shall recommend to the City such remedial measures as are necessary, including, but not limited to recommending the establishment of new or revised pretreatment levels for these pollutants. The Control Authority shall also recommend changes to any of these criteria in the event the POTW effluent standards are modified or in the event that there are changes in any applicable law or regulation affecting same or in the event changes are needed to more effectively operate the POTW.

(d) Conventional Pollutants

(i) BOD<sub>5</sub>, TSS, and NH<sub>3</sub>-N. The POTW treatment plant was designed to accommodate specific waste load concentrations and mass amounts of biochemical oxygen demand (BOD<sub>5</sub>), total suspended solids (TSS) and ammonia nitrogen (NH<sub>3</sub>-N). If an Industrial User discharges concentrations of these pollutants in excess of the Threshold Limitations on Wastewater Strength at Table 1: Industrial Wastewater Specific Pollutant Limitations, added operation and maintenance costs will be incurred by the POTW. Therefore, any Industrial User who discharges concentrations in excess of the Threshold Limitations on Wastewater Strength at Table 1: Industrial Wastewater Specific Pollutant Limitations listed at Appendix A of this Ordinance for any conventional pollutants such as BOD<sub>5</sub>, TSS and/or NH<sub>3</sub>-N will be subject to a surcharge. The formula for this surcharge is listed in Section 18-413.4 of this Ordinance. The City also reserves the right to, at any time, place specific mass or concentration limits for BOD<sub>5</sub>, TSS, and/or NH<sub>3</sub>-N on the Industrial User if the Industrial User's discharge of the excessive strength wastewater causes the POTW treatment plant to violate its NPDES permit.

(ii) Oil and Grease. Oil and grease loadings were not taken into account in the design of the POTW treatment

plant; however, oil and grease are regulated under this ordinance as conventional pollutants.

“Free” and “Emulsified” oil and grease shall be differentiated based on the following procedure. One aliquot of sample shall be extracted with hexane using EPA Method 1664, with the exception that the sample shall not be acidified prior to the extraction. The result of this analysis will be considered “Free” oil and grease. A second aliquot of sample shall be prepared by adding sulfuric acid and heating until emulsion breaks. The sample shall then be extracted with hexane using EPA Method 1664. The result of the analysis will be considered the arithmetic difference between “Total” and “Free” oil and grease.

If a User discharges concentrations of “Free” Oil and Grease in excess of the Threshold Limitations on Wastewater Strength listed at Table 1: Industrial Wastewater Specific Pollutant Limitations at Appendix A of this Ordinance for “Free” Oil and Grease, added operation and maintenance costs will be incurred by the POTW. Therefore, any User who discharges concentrations in excess of the Threshold Limitations on Wastewater Strength listed at Table 1: Industrial Wastewater Specific Pollutant Limitations at Appendix for “Free” Oil and Grease will be subject to a surcharge. The formula for this surcharge is listed at Section 18-413.4 of this Ordinance. The City also reserves the right to, at any time, place specific mass or concentration limits for “Free” Oil and Grease on the User if the User’s discharge of the excessive strength wastewater causes the POTW treatment plant to violate its NPDES permit.

- (15) City’s Right of Revision. The City reserves the right to establish, by ordinance or in individual wastewater discharge permits, more stringent Standards or Requirements on discharges to the POTW system if deemed necessary consistent with the purpose of this Ordinance.
- (16) Dilution. No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The Control Authority and/or his designated representative may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements or in other cases when the imposition of mass limitations is appropriate.
- (17) Accidental Discharges.
  - (a) Protection from Accidental Discharge. Each Industrial User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials

shall be provided and maintained at the Industrial User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Control Authority for review, and shall be approved by the Control Authority before construction of the facility. No Industrial User who commences contribution to the POTW after the effective date of this Ordinance shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Control Authority. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify the Industrial User's facility as necessary to meet the requirements of this Ordinance.

(b) Notification of Accidental Discharge. In the case of an accidental discharge, it is the responsibility of the Industrial User to immediately telephone and notify the POTW of the incident. The notification shall be within 24 hours of becoming aware of the violation and shall include the location of the discharge, type of waste, volume, and corrective actions.

(i) Written Notice. Within five (5) days following an accidental discharge, the Industrial User shall submit to the Control Authority a detailed written report describing the cause of the discharge and the measures to be taken by the Industrial User to prevent similar future occurrences. Such notification shall not relieve the Industrial User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the Industrial User of any civil penalties, administrative penalties, or other liability which may be imposed by this Ordinance or other applicable law.

(ii) Notice to Employees. A notice shall be permanently posted on the Industrial User's bulletin board or other prominent place advising employees whom to call in the event of a dangerous accidental discharge. Industrial Users shall insure that all employees who may cause such a dangerous discharge to occur or may suffer such are advised of the emergency notification procedure. (Ord. # 801-11-2014, December 2014)

### **18-403. Pretreatment of wastewater.**

(1) Pretreatment facilities. Users shall provide wastewater treatment as necessary to comply with this Ordinance and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 18-402 of this Ordinance within the time limitations specified by EPA, the State, or Control Authority, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense.

Detailed plans describing such facilities and operating procedures shall be submitted to the Control Authority for review, and shall be acceptable to the Control Authority before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User for the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this Ordinance.

(2) Additional Pretreatment Measures

- (a) Whenever deemed necessary, the Control Authority may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this Ordinance.
  - (b) The Control Authority may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage, and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.
  - (c) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Control Authority, they are necessary for the proper handling of wastewater containing excessive amounts of grease, oil, and/or sand; except that such interceptors shall not be required for residential users. All interception units shall be a type and capacity approved by the Control Authority, shall comply with Section 18-402.10 of this Ordinance, and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired in accordance with Section 18-402.10 by the User at their expense.
  - (d) Users with potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
- (3) Accidental Discharge/Slug Discharge Control Plans. The Control Authority shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The Control Authority may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the Control Authority may develop such a plan for any User at the User's expense. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:
- (a) Description of discharge practices, including non-routine batch discharges;
  - (b) Description of stored chemicals (which shall include cleaning supplies);



- (c) Procedures for immediately notifying the Control Authority of any accidental or Slug Discharge, as required by Section 18-406.6 of this Ordinance; and
- (d) Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to inspection and maintenance of storage areas, handling, and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic pollutants, including solvents, and/or measures and equipment for emergency response. (Ord. #801-11-2014, December 2014)

**18-404. Individual wastewater discharge permits.**

- (1) Wastewater analysis. When requested by the Control Authority, a User may submit information on the nature and characteristics of its wastewater within fifteen (15) days of the request. The Control Authority is authorized to prepare a form for this purpose and may periodically require Users to update this information.

There shall be two (2) classes of Building Sewer permits: (a) for connection of residential, commercial, and institutional users to the POTW, and (b) for connection of Industrial Users to the POTW. In either case, the owner of the facility or residence wishing to connect a Building Sewer to the POTW or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Control Authority. A permit and inspection fee shall be paid to the City at the time the application is filed as set out in the City's schedule of charges and fees.

- (2) Individual Wastewater Discharge Permit Requirement

- (a) No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the Control Authority, except that a Significant Industrial User that has filed a timely application pursuant to Section 18-404.3 of this Ordinance may continue to discharge for the time period specified therein.
- (b) The Control Authority may require other Users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this Ordinance.
- (c) Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this Ordinance and subjects the wastewater discharge permittee to the sanctions set out in Section 18-409 through 18-412 of this Ordinance. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

- (3) Individual Wastewater Discharge Permitting: Existing Connections. Any non-permitted User required to obtain an individual wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this Ordinance and who wishes to continue such discharges in the future, shall, within thirty (30) days after said date, apply to the Control Authority for an individual wastewater discharge permit in accordance with Section 18-404.5 of this Ordinance, and shall not cause or allow discharges to the POTW to continue after forty-five (45) days of the effective date of this Ordinance except in accordance with an individual wastewater discharge permit issued by the Control Authority.
- (4) Individual Wastewater Discharge Permitting: New Connections. Any User required to obtain an individual wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit, in accordance with Section 18-404.5 of this Ordinance, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.
- (5) Individual Wastewater Discharge Permit Application Contents. All Users required to obtain an individual wastewater discharge permit must submit a permit application. The Control Authority may require Users to submit all or some of the following information as part of the permit application:
- (a) Identifying Information
    - (i) The name, address, and location of the facility, including the name of the operator and owner.
    - (ii) Contact information, description of activities, facilities, and plant production processes on the premises.
  - (b) A list of any environmental control permits held by or for the facility.
  - (c) Description of Operations
    - (i) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications (SIC or NAICS code) of the operation(s) carried out by such User. This description shall include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
    - (ii) Types of wastes generated and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.
    - (iii) Number of employees, shifts, contact per shift (if applicable), hours of operation, and proposed or actual hours of operation.
    - (iv) Type and amount of raw materials processed (average and maximum per day).

- (v) Each product produced by type, amount process or processes and rate of production.
  - (vi) Site plan, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, elevation and all points of discharge.
- (d) Time and duration of discharges.
- (e) The location for monitoring all wastes covered by this permit.
- (f) Information showing the measured average daily, maximum daily and 30-minute peak flow in gallons per day (including daily, monthly and seasonal variations, if any) to the POTW from regulated process streams and other streams, as necessary to allow use of the combined wastestream formula set in Section 18-402.11c. (Tennessee Rule 0400-40-14-.06(5)).
- (g) Measurement of Pollutants
- (i) The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
  - (ii) Wastewater constituents and characteristics (nature and concentration, and/or mass) in the discharge from each regulated process including, but not limited to those mentioned in Section 18-402 and Appendix of this Ordinance as determined by a reliable analytical laboratory; sampling and analyses shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR Part 136, as amended.
  - (iii) Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
  - (iv) The sample shall be fully representative of daily operations and shall be analyzed in accordance with procedures set out in Section 18-406.10 of this Ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Control Authority or the applicable Standards to determine compliance with the Standard.
  - (v) Sampling must be performed in accordance with procedures set out in Section 18-406.11 of this Ordinance.
  - (vi) Where known, the nature and concentration of any pollutants in the discharge which are limited by any local, State or National Pretreatment Standards, and a statement regarding whether or not the Pretreatment Standards are being met on a consistent basis and, if not, whether additional Operation and Maintenance (O & M) and/or additional pretreatment is required for the Industrial User to meet applicable Pretreatment Standards
- (h) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be

present in the discharge based on Section 18-406.4b. of this Ordinance and Tennessee Rule 0400-40-14-.12(5)(b).

- (i) Statement of Duly Authorized Representative(s).
- (j) Any other information as may be deemed necessary by the Control Authority to evaluate the permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

(6) Application Signatories and Certifications

- (a) All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement found in Section 18-406.14a. of this Ordinance.
- (b) If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Control Authority prior to or together with any reports to be signed by an Authorized Representative.

- (7) Individual Wastewater Discharge Permit Decisions. The Control Authority will evaluate the data furnished by the User and may require additional information. If sufficient data was not received to determine a User's category, the Control Authority may submit a Category Determination Request to the Approval Authority as set out in Tennessee Rule 0400-40-14-.06(1). After evaluation and acceptance of the data furnished, the Control Authority will determine whether to issue an individual wastewater discharge permit. The Control Authority may deny any application for an individual wastewater discharge permit. (Ord. # 801-11-2014, December 2014)

**18-405. Individual wastewater discharge permit issuance.**

- (1) Individual Wastewater Discharge Permit Duration. An individual wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Control Authority. Each individual wastewater discharge permit will indicate a specific date upon which it will expire.
- (2) Individual Wastewater Discharge Permit Contents. An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Control Authority to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW. Individual wastewater discharge permits shall be

expressly subject to all provisions of this Ordinance and all other applicable regulation, charges, and fees established by the City.

(a) Individual wastewater discharge permits shall contain:

- (i) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
- (ii) A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with Section 18-405.4 of this Ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (iii) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
- (iv) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
- (v) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with Section 18-406.4b. of this Ordinance.
- (vi) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
- (vii) Requirements to control Slug Discharge, if determined by the Control Authority to be necessary.
- (viii) Any grant of the monitoring waiver by the Control Authority (Section 18-406.4b.) shall be included as a condition in the User's permit.
- (ix) Requirements for notification of the Control Authority of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW;
- (x) Requirements for notification of excessive discharges such as described in Section 18-402.17 of this Ordinance;
- (xi) Requirements to immediately report noncompliance to the Control Authority, and to immediately resample for any parameter(s) out of compliance in accordance with 40 CFR 403.12(g).

(b) Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:

- (i) Limits on average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulations and equalization;

- (ii) Requirements for installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW;
- (iii) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
- (iv) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (v) The unit charge or schedule of User Charges and fees for the management of the wastewater discharged to the POTW;
- (vi) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
- (vii) A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal or State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit; and
- (viii) Other conditions as deemed appropriate by the Control Authority to ensure compliance with this Ordinance, and Federal and State laws, rules, and regulations.

(3) Permit Modification. The Control Authority may modify an individual wastewater discharge permit for good cause including, but not limited, the following reasons:

- To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
- (a) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
- (b) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
- (c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (d) Information indicating that the permitted discharge poses a threat to the City's POTW, City Personnel, or the receiving waters;
- (e) Violation of any terms or conditions of the individual wastewater discharge permit;
- (f) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (g) Revisions of a grant variance from categorical Pretreatment Standards pursuant to Tennessee Rule 0400-40-14-.13;

- (h) To correct typographical or other errors in the individual wastewater discharge permit; or
- (i) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 18-405.4 of this Ordinance.

(4) Individual Wastewater Discharge Permit Transfer. Individual wastewater discharge permits are issued to a specific User for a specific operation. An individual wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new User, different premises, or a new or changed operation without prior notice and approval from the Control Authority, and provision of a copy of the existing control mechanism (Individual Wastewater Discharge Permit) to the new owner or operator. Any succeeding owner or User shall also comply with the terms and conditions of the existing permit. The notice to the Control Authority must include a written certification by the new owner or operator which:

- (a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- (b) Identifies the specific date on which the transfer is to occur;
- (c) Acknowledges full responsibility for complying with the existing individual wastewater discharge permit; and
- (d) Submits a Duly Authorized to Sign.

Failure to provide advance notice of a transfer renders the individual wastewater discharge permit void as of the date of the facility transfer.

(5) Individual Wastewater Discharge Permit Revocation. The Control Authority may revoke an individual wastewater discharge permit for good cause, including, but not limited to the following reasons:

- (a) Failure to notify the Control Authority of significant changes to the wastewater prior to the changed discharge;
- (b) Failure to provide prior notification to the Control Authority of changed conditions pursuant to Section 18-406.5 of this Ordinance;
- (c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (d) Falsifying self-monitoring reports and certification statements;
- (e) Tampering with monitoring equipment;
- (f) Refusing to allow the Control Authority timely access to the facility premises and records;
- (g) Failure to meet effluent limitations;
- (h) Failure to pay fines;
- (i) Failure to pay sewer charges;
- (j) Failure to meet compliance schedules;
- (k) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (l) Failure to provide advanced notice of the transfer of business ownership of a permitted facility; and

- (m) Violation of a Pretreatment Standard or Requirement, or any terms of the individual wastewater discharge permit or this Ordinance.

Individual wastewater discharge permits shall be subject to void upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits issued to a User are void upon issuance of a new individual wastewater discharge permit to that User.

(6) Individual Wastewater Discharge Permit Reissuance. A User with an expiring individual wastewater discharge permit shall apply for a permit reissuance by submitting a complete permit application in accordance with Section 18-404.5 of this Ordinance, a minimum of ninety (90) days prior to the expiration of the User's existing individual wastewater discharge permit. The terms and conditions of the permit may be subject to modification by the Control Authority during the term of the permit as limitations and/or requirements as identified in Section 18-402 are modified or other just cause exists. Any change(s) or new conditions in the permit shall include a reasonable time schedule for compliance.

(7) Regulation of Waste Received from Other Jurisdictions.

- (a) If another municipality, or User located within another municipality, contributes wastewater to the POTW, the Control Authority shall enter into an Intermunicipal Agreement with the contributing municipality.
- (b) Prior to entering into an agreement required by paragraph (a). of this Section, the Control Authority shall request the following information from the contributing municipality:
  - (i) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
  - (ii) An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
  - (iii) Such other information deemed necessary by the Control Authority.
- (c) An Intermunicipal agreement, as required by paragraph (a). of this Section shall contain the following conditions;
  - (i) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this Ordinance and Local Limits, including Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 18-402.14 of this Ordinance. The requirement shall specify that such an ordinance and limits must be revised as necessary to reflect changes made to the City's Ordinance and Local Limits;
  - (ii) A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;
  - (iii) A provision specifying which pretreatment implementation activities, including individual wastewater



discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the Control Authority; and which of these activities will be conducted jointly by the contributing municipality and the Control Authority;

- (iv) A requirement for the contributing municipality to provide the Control Authority with access to all information that the contributing municipality obtains as part of its pretreatment activities;
- (v) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
- (vi) Requirements for monitoring the contributing municipality's discharge;
- (vii) A provision ensuring the Control Authority access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties necessary by the Control Authority; and
- (viii) A provision specifying remedies available for breach of the terms of the Intermunicipal agreement.

The Intermunicipal agreement may contain provisions giving the Control Authority the right to take action to enforce the terms of the contributing municipality's ordinances or to impose and enforce Pretreatment Standards and Requirements directly against discharges of the contributing municipality.

**18-406. Baseline Monitoring Requirements.**

- (a) Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under Tennessee Rule 0400-40-14-.06(1)(d), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Control Authority a report which contains the information listed in paragraph (b), below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial users subsequent to the promulgation of an applicable categorical Standard, shall submit to the Control Authority a report which contains the information listed in paragraph (b), below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- (b) Users described in paragraph (a), above, shall submit the information set forth below:
  - (a) All information required in Section 18-404.5a.(i), Section 18-404.5b., Section 18-404.5c.(i), and Section 18-404.5f. of this Ordinance.

(b) Measurement of Pollutants

- (A) The User shall provide the information required in Section 18-404.5g. (i) through 18-404.5g.(iv).
  - (B) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
  - (C) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in Tennessee Rule 0400-40-14-.06(5) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with Tennessee Rule 0400-40-14-.06(5) this adjusted limit along with supporting data shall be submitted to the Control Authority;
  - (D) Sampling and analysis shall be performed in accordance with Section 18-406.10;
  - (E) The Control Authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
  - (F) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.
- (c) Compliance Certification – A statement, reviewed by the User’s Authorized Representative as defined in Section 18-401.4c. and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O & M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.
- (d) Compliance Schedule – If additional pretreatment and/or O & M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O & M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 18-406.2 of this Ordinance.

- (e) Signature and Report Certification – All baseline monitoring reports must be certified in accordance with Section 18-406.14a. of this Ordinance and signed by an Authorized Representative as defined in Section 18-401.4c. of this Ordinance.

(1) Compliance Schedule Progress Reports. The following conditions shall apply to the compliance schedule required by this Ordinance:

- (a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- (b) No increment referred to above shall exceed nine (9) months;
- (c) The User shall submit a progress report to the Control Authority no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and
- (d) In no event shall more than nine (9) months elapse between such progress reports to the Control Authority.

(2) Reports on Compliance with Categorical Pretreatment Standards Deadline.

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to Control Authority a report containing the information described in Section 18-404.5f., 18-404.5g., and 18-406.1b.(ii) of this Ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 18-402.11, this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 18-406.14a. of this Ordinance. All sampling will be done in conformance with Section 18-406.11.

(a) Periodic Compliance Reports. All SIUs and Non-Significant Categorical Industrial Users are required to submit periodic compliance reports.

- (i) All permitted Users must, at a frequency determined by the Control Authority, submit no less than twice per year (on dates specified) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment

Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Control Authority or the Pretreatment Standard necessary to determine the compliance status of the User.

- (ii) The City may authorize a User subject to a categorical Pretreatment Standard (upon the Approval Authority's approval) to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the SIU or NSCIU has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. [Tennessee Rule 0400-40-14-.12(5)(b)]

This authorization is subject to the following conditions:

- (A) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.
- (B) The monitoring waiver is valid only for the duration of the effective period of the industrial wastewater discharge permit, but in no case longer than five (5) years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See Section 18-404.5h. of this Ordinance.
- (C) In making a demonstration that a pollutant is not present, the Industrial User must provide sufficient data of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
- (D) The request for a monitoring waiver must be signed in accordance with Section 18-401.4c. of this Ordinance, and include the certification statement in Section 18-406.14a. of this Ordinance (Tennessee Rule 0400-40-14-.06(1)(b)(2)).
- (E) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

- (F) Any grant of the monitoring waiver by the Control Authority must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver shall be maintained by the Control Authority for three (3) years after expiration of the waiver.
  - (G) Upon approval of the monitoring waiver and revision of the User's permit by the Control Authority, the Industrial User must certify on each report with the statement in Section 18-406.14b. of this Ordinance, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.
  - (H) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of Section 18-406.4a., or other more frequent monitoring requirements imposed by the Control Authority, and notify the Control Authority.
  - (I) This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standards.
- (iii) All periodic compliance reports must be signed and certified in accordance with Section 18-406.14a. of this Ordinance and a Chain of Custody form must be submitted with all reports.
  - (iv) All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
  - (v) If a User subject to the reporting requirement in this Section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Control Authority, using the procedures prescribed in Section 18-406.11 of this Ordinance, the results of this monitoring shall be included in the report for the corresponding reporting period.
- (b) Reports of Changed Conditions. Each User must notify the Control Authority of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least one hundred eighty (180) days before the change.

- (i) The Control Authority may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 18-404.5 of this Ordinance.
  - (ii) The Control Authority may issue an individual wastewater discharge permit under Section 18-405.6 of this Ordinance or modify an existing wastewater discharge permit under Section 18-405.3 of this Ordinance in response to changed conditions or anticipated changed conditions.
- (c) Reports of Potential Problems.
- (i) In the case of any discharge, including, but not limited to accidental discharges, discharges of a nonroutine, episodic nature, a non-customary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Control Authority of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, and corrective actions taken by the User. The Control Authority may request a sample be collected for analysis at the time of accidental discharge.
  - (ii) Within five (5) days following such discharge, the User shall, unless waived by the Control Authority, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may incur as a result of damage to the POTW, natural resources, or any other damage to personal property; nor shall such notification relieve the User of any penalties or other liability which may be imposed pursuant to this Ordinance.
  - (iii) A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A. above. Employers shall ensure that all employees are advised of the emergency notification procedure.
  - (iv) Significant Industrial Users are required to notify the Control Authority immediately of any changes at its facility affecting the potential for a Slug Discharge.
- (d) Reports from Non-permitted Users. All Users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the Control Authority as the Control Authority may require.
- (e) Notice of Violation/Repeat Sampling and Reporting. If sampling performed by a User indicates a violation, the User must notify the Control Authority within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and

submit the results of the repeat analysis to the Control Authority within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the City performs sampling at the User's facility at least once a month, or if the City performs sampling at the User's facility between the time when the initial sampling was conducted and the time when the User or the City receives the results of this sampling, or if the City has performed the sampling and analysis in lieu of the Industrial User. If sampling performed by the City indicates a violation, the City may opt to notify the User of the violation and require the User to perform the repeat sampling and analysis [40 CFR 403.12(g)(2)].

(f) Notification of the Discharge of Hazardous Waste

- (i) Any User who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Water Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph needs to be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 18-406.5 of this Ordinance. The notification requirement in this Section does not apply to pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of Section 18-406.1, 18-406.3, and 18-406.4 of this Ordinance.
- (ii) Dischargers are exempt from the requirements of paragraph A. above during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months

during which the User discharges more than such quantities of any hazardous waste do not require additional notification.

- (iii) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the Control Authority, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
  - (iv) In the case of any notification made under this Section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
  - (v) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Ordinance, an issued industrial wastewater discharge permit, or any applicable Federal or State law.
- (g) Analytical Requirements. All pollutant analyses, including sample techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Control Authority or other parties approved by EPA.
- (h) Sample Collection. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.
- (i) Except as indicated in Section (ii) and (iii) below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Control Authority. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile



organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits (40 CFR 403.12(g)(3)).

- (ii) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
  - (iii) For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 6.1 and 6.3 [Tennessee Rule 0400-40-14-.12(2) and (4)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Control Authority may authorize a lower minimum. For reports required by Section 18-406.4 paragraphs (Tennessee Rule 0400-40-14-.12(5) and (8)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.
- (i) Date of Receipt Reports. Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed using the United States Postal Service, the date of receipt of the report shall govern.
  - (j) Retention of Records. Users subject to the reporting requirements of this Ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by the Ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices, as set out in individual wastewater discharge permits. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years after the expiration date of the User's permit. This period shall be automatically extended for the duration of any litigation concerning the User or the Control Authority, or where the User has been specifically notified of a longer retention period by the Control Authority, Approval Authority, or EPA.
  - (k) Certification Statements.
    - (i) Certification of Permit Applications, User Reports, and Initial Monitoring Waiver – The following certification statement is

required to be signed and submitted by Users submitting permit applications in accordance with Section 4; Users submitting baseline monitoring reports under Section 18-406.1 [40 CFR 403.12(l)]; Users submitting reports on compliance with categorical Pretreatment Standard deadlines under Section 6.3 [40 CFR 403.12(d)]; Users submitting periodic compliance reports required by Section 18-406.4a. through 18-406.4c. [40 CFR 403.12(e) and (h)]; and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 18-406.4b.(iv) [CFR 403.12(e)(2)(iii)]. The following certification statement must be signed by an Authorized Representative as defined in Section 18-401.4c. of this Ordinance:

*“I certify under the penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person(s) who manage the system, or the person(s) directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of penalty and imprisonment for knowing violations.”*

- (ii) Annual Certification for Non-Significant Categorical Industrial Users – A facility determined to be a Non-Significant Categorical Industrial User by the Control Authority pursuant to Section 18-401.4aaa (iii) and Section 18-404.6c. [40 CFR 403.3 (v) (2)] must annually submit the following certification statement signed in accordance with the signatory requirements in Section 1.4 C. [40 CFR 403.120 (1)]. This certification must accompany an alternative report required by the Control Authority:

*“Based on my inquiry of the person(s) directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR Part \_\_\_\_\_, I certify that, to the best of my knowledge and belief, the period from \_\_\_\_\_, \_\_\_\_\_ to \_\_\_\_\_, \_\_\_\_\_ [month, days, year(s)]:*

- (A) *The facility described at \_\_\_\_\_ [facility name] met the definition of Non-Significant Categorical Industrial User as described in 18-401.4aaa (iii);*

*(B) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and*

*(C) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.*

*This compliance certification is based on the following information:*

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- (l) Certification of Pollutants Not Present – Users that have an approved monitoring waiver based on Section 18-406.4b. of this Ordinance must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User.

*“Based on my inquiry of the person(s) directly responsible for managing compliance with the Pretreatment Standard for 40 CFR Part (s) \_\_\_\_\_ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of \_\_\_\_\_ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 18-406.4a.” (Ord. # 801-11-2014, December 2014)*

**18-407. Right of Entry: Inspection and Testing.** The Control Authority shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this Ordinance and any individual wastewater discharge permit or order issued hereunder. Users shall allow the Control Authority ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination, and copying, and the performance of any additional duties.

- (1) Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the Control Authority, Approval Authority, and/or EPA shall be permitted to enter for the purposes of performing specific responsibilities (40 CFR 403.12).
- (2) The Control Authority, Approval Authority, and/or EPA shall have the right to set up on the User’s property, or require installation of, such devices as are necessary to conduct compliance monitoring/sampling and/or metering of the User’s operations.

- (3) The Control Authority may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at his own expense. All devices used to measure wastewater flow and quality shall be calibrated annually (unless otherwise specified) to ensure their desired accuracy. The location of the monitoring facility shall provide ample room in or near the monitoring facility to allow accurate sampling and preparation of samples and on-site analysis (where necessary), whether constructed on public or private property. The monitoring facilities should be provided in accordance with the Control Authority's requirements and all applicable local construction standards and specifications, and such facilities shall be constructed and maintained in such a manner to enable the Control Authority to perform independent monitoring activities.
- (4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Control Authority and shall not be replaced. The costs of clearing such access shall be borne by the User.
- (5) Unreasonable delays in allowing the Control Authority access to the User's premises shall be a violation of this Ordinance. (Ord. # 801-11-2014, December 2014)

**18-408. Confidential Information.** Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits and monitoring programs, and from the Control Authority's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Control Authority, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction. (Ord. # 801-11-2014, December 2014)

**18-409. Publication of users in significant noncompliance.** The Control Authority shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, a

list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial user that violates paragraphs (3), (4), or (8) of this Section) is in significant noncompliance if its violation meets one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period on a rolling quarterly basis exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 18-401.4;
- (2) Technical Review Criteria (TRC) violations, defined here as those in which thirty three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 18-401.4 multiplied by the applicable criteria (TRC=1.4 for BOD, TSS, fats, oils and grease, NH<sub>3</sub>-N and 1.2 for all other pollutants except pH);
- (3) Any other violation of a Pretreatment Standard or Requirement as defined by Section 18-401.4 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that Control Authority determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment, or has resulted in the Control Authority's exercise of its emergency authority under 40 CFR 403.8(f)(1)(vi)(B) to halt or prevent such a discharge;
- (5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance; or
- (8) Any other violation(s), which may include a violation of Best Management Practices, which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program. (Ord. # 801-11-2014, December 2014)

**18-410. Administrative enforcement remedies.** All administrative enforcement actions taken against a Significant Industrial User, including procedures, order, and complaints, shall be in accordance with the Tennessee Water Quality Control Act of 1977 and its amendments, specifically *TCA 69-3-123*, and enforcement per the Enforcement Response Plan (ERP).

- (1) Notification of Violation. When the Control Authority finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Control Authority may serve upon that User a written Notice of Violation. Within ten (10) days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Control Authority. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Control Authority to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.
- (2) Consent Orders. The Control Authority may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 18-410.4 and 18-410.5 of this ordinance and shall be judicially enforceable.
- (3) Show Cause Hearing. The Control Authority may order a User which has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Control Authority and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 18-401.4 and required by Section 18-404.6. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User. Whether or not a duly notified User appears as noticed,

immediate enforcement action may be pursued. Hearings shall be conducted in accordance with the provisions of *TCA 69-3-124*.

- (4) Compliance Order. When the Control Authority finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Control Authority may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time period. If the User does not show compliance within the specified time, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated to allow compliance with this ordinance. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring, the installation of pretreatment system(s), and management practices designed to minimize the amount of pollutant(s) discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.
- (5) Cease and Desist Orders. When the Control Authority finds that a User has violated, or continues to violate, any provision of this Ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Control Authority may issue an order to the User directing it to cease and desist all such violations and directing the User to:
  - (a) Immediately comply with all requirements; and/or
  - (b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.
- (6) Administrative Penalties
  - (a) Notwithstanding any other section of this Ordinance, when the Control Authority finds that a User has violated, or continues to violate, any provision of this Ordinance, individual wastewater discharge permit, and/or orders issued hereunder, and other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Control Authority may penalize such a User in an amount not to exceed Ten Thousand Dollars (\$10,000.00). Such penalties shall be assessed on a per violation, per day basis in accordance with the provisions of *TCA 69-3-125, 126, 128 and 129 and 40 CFR 403.8 (f)(1)(vi)(A)*. In the

case of monthly or other long-term average discharge limits, penalties shall be assessed for each day during the period of violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the User's next scheduled sewer service charge and the City shall have such other collection remedies as available to collect other service charges.

- (b) Unpaid charges and penalties shall constitute a lien against the individual User's property.
  - (c) Users desiring to dispute the assessment of such penalties must file a written request for the City to reconsider the penalty within ten (10) days of being notified of the penalty. Where the City believes a request has merit, the Control Authority shall convene a hearing on the matter within fifteen (15) days of receiving the request from the User.
  - (d) Issuance of an administrative penalty shall not be a bar against, or a prerequisite for, taking any other action against the User.
- (7) Emergency Suspensions
- (a) The City may suspend the wastewater treatment service and/or individual wastewater discharge permit of a User whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment.
  - (b) Any User notified of a suspension of the wastewater treatment service and/or the individual wastewater discharge permit shall immediately stop or eliminate its contribution of process wastewater to the POTW. In the event of a User's failure to immediately comply voluntarily with the suspension order, the City shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The City may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the City that the period of endangerment has passed, unless the termination proceedings set forth in Section 10.8 of this ordinance are initiated against the User.
  - (c) A User which is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit to the City a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence within five (5) days after notification of suspension of service or prior to the date of the hearing described in Section 18-410.3.

Nothing in this Section shall be interpreted as requiring a hearing prior to Emergency Suspension under this Section.



(8) Termination of Discharge. In addition to the provisions in Section 18-405.5 of this Ordinance, any User who violates the following conditions is subject to discharge termination:

- (a) Violation(s) of individual wastewater discharge permit conditions;
- (b) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (c) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (d) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling;
- (e) Violation of Pretreatment Standards in Section 18-402 of this Ordinance.

Such User(s) will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 18-410.3 of this Ordinance why the proposed action should not be taken. Exercise of this option by the Control Authority shall not be bar to, or a prerequisite for, taking any other action against the User. (Ord. # 801-11-2014, December 2014)

**18-411. Judicial enforcement remedies.** If any User discharges sewage, industrial wastes, or other wastes into the POTW contrary to the provisions of this Ordinance or any order or individual wastewater discharge permit issued hereunder, the City through the City Attorney, may commence an action for appropriate legal and/or equitable relief in the Chancery Court for Hardin County. Any judicial proceedings and relief shall be in accordance with the provisions of *TCA 69-3-127*.

(1) Injunctive Relief. Whenever a User has violated or continues to violate the provisions of this Ordinance or individual wastewater discharge permit, order issued hereunder, or any other Pretreatment Standard or Requirement, the City, through the City Attorney, may petition the Court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the specific performance of the individual wastewater discharge permit or other requirement imposed by this ordinance on activities of the User. The City may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

(2) Civil Penalties.

- (a) A User who has violated or continues to violate any provision of this Ordinance, an individual wastewater discharge permit, an order issued hereunder, or any Pretreatment Standard or Requirement shall be liable to the City for a maximum civil

penalty of ten thousand dollars (\$10,000.00), per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

- (b) The City may recover reasonable attorneys' fees, court costs, engineering fees, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.
  - (c) In determining amount of liability, the Court shall take into account all relevant circumstances, including, but not limited to the extent of the harm caused by the violation, the magnitude and duration, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
  - (d) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.
- (3) Criminal Prosecution. Pursuant to Section 69-3-115(4)(c) of the Tennessee Code Annotated, violators will be prosecuted for a Class E Felony and punished by a fine of not more than twenty five thousand dollars (\$25,000.00) or incarceration, or both.
- (4) Remedies Nonexclusive. The remedies provided for in this ordinance are not exclusive. The Control Authority may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the City's Enforcement Response Plan. However, the City may take other action against any User when the circumstances are warranted. Further, the City is empowered to take more than one enforcement action against any noncompliant User. (Ord. # 801-11-2014, December 2014)

**18-412. (1) Treatment Upset**

- (a) Any User which experiences an upset in operations that places it in a temporary state of noncompliance, which is not the result of operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation, shall inform the Control Authority thereof immediately upon becoming aware of the upset.
- (b) A User who wishes to establish affirmative defense of a treatment upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (i) An upset occurred and the User can identify the cause(s) of the upset;

- (ii) The facility was, at the time, being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
- (iii) The User has submitted the following information to the Control Authority within twenty-four (24) hours of becoming aware of the upset (where such information is provided orally, a written report thereof shall be filed by the User within five (5) days): The report shall contain:
  - (A) A description of the indirect discharge and cause of noncompliance;
  - (B) The duration of noncompliance, including exact dates and times of noncompliance, and, if the noncompliance is continuing, the time by which compliance is reasonably expected to be restored;
  - (C) All steps taken or planned to reduce, eliminate and prevent reoccurrence of such an upset.
- (c) An Industrial User which complies with the notification provisions of this Section in a timely manner shall have affirmative defense to any enforcement action brought by the City for any noncompliance with this Ordinance, or an order or individual wastewater discharge permit issued hereunder to the Industrial User, which arises out of violations attributable and alleged to have occurred during the period of the documented and verified upset.
- (d) In any enforcement proceeding, the Industrial User seeking to establish the occurrence of an upset shall have the burden of proof.
- (e) Industrial Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.
- (f) The Industrial User shall control production of all discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.
- (2) Prohibited Discharge Standards. A User shall have affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 18-402.9a. of this Ordinance or the specific prohibitions in Section 18-402.9b.(i) through 18-402.9b.(xvi) of this Ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:

- (a) A Local Limit exists for each pollutant discharge and the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or
- (b) No Local Limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the Control Authority was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

**The affirmative defense outlined in this Section does not apply to the specific prohibitions in Section 18-402.9b.(i), (iii), and (xiv) of this Ordinance.**

(3) Bypass

(a) For the purposes of this Section:

- (i) Bypass means the intentional diversion of waste streams from any portion of a User's treatment facility.
- (ii) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) Bypass not violating applicable Pretreatment Standards or Requirements – A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (c) and (d) of this Section.

(c) Bypass Notification

- (i) If a User knows in advance of the need for a bypass, it shall submit prior notice to the Control Authority, if possible, at least ten (10) days before the date of the bypass.
- (ii) A User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Control Authority within twenty four (24) hours from the time the User becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Control Authority may waive the written report on a case-by-case basis if the oral report has been received within twenty four (24) hours.

## (d) Prohibition of Bypass

- (i) Bypass is prohibited, and the Control Authority may take enforcement action against the User for a bypass, unless:
  - (A) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - (B) There was no feasible alternative to the bypass, including the use of auxiliary treatment facilities, retention of untreated wastes, or maintenances during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
  - (C) The User properly notified the Control Authority as required by paragraph (c) above.
- (ii) The Control Authority may approve an anticipated bypass, after considering its effects, if the Control Authority determines that it will meet the three conditions listed in paragraph (d)(i) of this Section. (Ord. # 801-11-2014, December 2014)

**18-413. Fees.**

- (1) Purpose. It is the purpose of this Section to provide for the recovery of costs from Users of the City's POTW system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the City's Schedule of Charges and Fees.
- (2) Pretreatment Charges and Fees. The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City's Pretreatment Program, which may include:
  - (a) Fees for wastewater discharge permit applications including the cost of processing such applications;
  - (b) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports and certification statements by Users;
  - (c) Fees for reviewing and responding to accidental discharge procedures and construction;
  - (d) Fees for filing appeals;
  - (e) Fees to recover administrative and legal costs (not included in Section 18-413.2b.) associated with the enforcement activity taken by the Control Authority to address Industrial User noncompliance;
  - (f) Fees for inspection of Building Sewer connections;

- (g) Charges to Users for recovery of costs associated with normal operation, maintenance, administration, amortization of debt and depreciation of the POTW; and
- (h) Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Ordinance and are separate from all other fees, fines, and penalties chargeable by the City.

(3) Distribution of Costs

- (a) Distribution of the costs associated with the POTW shall be proportional to the actual cost associated with the User's waste. Users are divided into three categories; residential, commercial, and industrial. Cost per thousand gallons of waste flow is equal for each category until such time as when a major industrial contributor is connected to the POTW. (See Schedule of Rates and Charges)
- (b) The User Charge for normal domestic wastewater shall be based on the water usage as measured by the public water supply meter(s) and/or by any supplementary meter(s) necessary to estimate the amount of wastewater discharged to the POTW. The basic User Charge shall be determined upon the metered flow and at rates as provided in the Schedule of Rates and Charges. A cap or maximum Wastewater Charge during four (4) summer billing periods shall be established for Users occupying single family residential dwellings only. This maximum charge shall be defined as:
  - (i) A consumption cap shall be established from the previous eight (8) billing periods for each single family residential User. If said User was not present at the service location for any or all of the eight (8) billing periods, the Department shall determine the consumption cap from the best information available. If the User received a leak adjustment during this time, said period covered by the leak adjustment shall be deleted from consideration for the consumption cap.
  - (ii) Each single family residential User shall be charged at the actual rates for amounts of consumption below and/or up to the established consumption cap. Should the User exceed the consumption cap during the four (4) summer billing periods, no charge will be made for amounts in excess of the consumption cap.
  - (iii) The consumption cap shall not apply for the remaining eight (8) billing periods and actual consumption will be charged at the actual User Charge Rate.

- (4) Surcharge Fee. If a Significant Industrial User discharges in excess of the Criteria to Protect the POTW Treatment Plant Influent set for

the pollutants BOD<sub>5</sub>, TSS, NH<sub>3</sub>-N, and/or free oil and grease at Appendix, additional operation and maintenance costs will be incurred by the City. Therefore, any Significant Industrial User who discharges in excess of the limits for any of these pollutants will be subject to a surcharge. The formula for this surcharge is listed below. Surcharges shall be in addition to normal user fees.

$$\left( \begin{array}{l} \text{Base Sewer} \\ \text{Bill for} \\ \text{Monthly Usage} \end{array} \times \begin{array}{l} \text{Actual Monthly Average of} \\ \text{Parameter Concentration (mg/l)} \\ \text{Threshold Limitation on} \\ \text{Wastewater Strength Monthly} \\ \text{Average Concentration (mg/l)} \end{array} \right) - \begin{array}{l} \text{Base Sewer} \\ \text{Bill for} \\ \text{Monthly Usage} \end{array}$$

The City also reserves the right to, at any time, place limits which may not be exceeded on the Significant Industrial User's discharge if the Significant Industrial User's discharge of the excessive strength wastewater causes the POTW Treatment Plant to violate its NPDES permit.

The City may calculate surcharge fees based on actual costs caused by the discharge of excessive strength conventional pollutants. (Ord. # 801-11-2014, December 2014)

**18-414. Severability.** If any provision, paragraph, word, section, or chapter of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect. (Ord. # 801-11-2014, December 2014)

**18-415. Appendix – Pollutant parameters.** (Subject to Change by Addenda applicable to new or revised “Pass Through Limitations” issued to the City by the Tennessee Department of Environment and Conservation, Division of Water Resources. The revision date will be noted in the revised Appendix.)

<b>Revision Date: 8/05/2008</b>		
<b>Table 1: Industrial Wastewater Specific Pollutant Limitations</b>		
<b>Pollutant</b>	<b>Monthly Average Maximum Concentration (mg/L)</b>	<b>Daily Average Maximum Concentration (mg/L)</b>
Arsenic	3.56	7.12
Benzene	0.09	0.18
Cadmium	0.14	0.28
Carbon Tetrachloride	0.53	1.06
Chloroform	3.04	6.08
Chromium, III	Report	Report
Chromium, VI	Report	Report

Copper	11.74	23.80
Cyanide	12.55	25.10
Ethylbenzene	0.78	1.56
Lead	1.88	3.76
Mercury	0.011	0.022
Methylene Chloride	37.60	75.20
Naphthalene	0.02	0.04
Nickel	7.32	14.64
Phenols, Total	1.64	3.28
Phthalates, Total	5.16	10.32
Silver	0.04	0.08
Tetrachloroethylene	8.36	16.72
Toluene	4.87	9.74
Trichloroethylene	10.01	20.02
Zinc	19.58	39.16
1,1,1 Trichloroethane	10.01	20.02
1,2 Transdichloroethylene	0.44	0.88
Threshold Limitations on Wastewater Strength: Exceedances may be subject to surcharge*		
BOD <sub>5</sub>	200	400
TSS	200	400
NH <sub>3</sub> -N	20	40
Oil & Grease, Free	100	200

\*Threshold Limitations on Wastewater Strength are not deemed a violation, but are open for review if the exceedance causes the POTW to violate its NPDES Permit. The Control Authority reserves the right to place limits on an Industrial User as stated at Section 18-413.4.

Revision Date: 8/5/2008		
<b>Table 2: Criteria to Protect the POTW Treatment Plant Influent</b>		
<b>Pollutant</b>	<b>Monthly Average Maximum Concentration (mg/L)</b>	<b>Daily Average Maximum Concentration (mg/L)</b>
Arsenic	0.10	0.20
Benzene	0.003	0.006
Cadmium	0.004	0.008
Carbon Tetrachloride	0.02	0.04
Chloroform	0.09	0.18
Chromium, III	Report	Report
Chromium, VI	Report	Report
Copper	0.34	0.68



Cyanide	0.35	0.70
Ethylbenzene	0.02	0.04
Lead	0.05	0.10
Mercury	0.0004	0.0008
Methylene Chloride	1.25	2.50
Naphthalene	0.001	0.002
Nickel	0.20	0.40
Phenols, Total	0.10	0.20
Phthalates, Total	0.14	0.28
Silver	0.001	0.002
Tetrachloroethylene	0.28	0.56
Toluene	0.14	0.28
Trichloroethylene	0.33	0.66
Zinc	0.83	1.66
1,1,1 Trichloroethane	0.33	0.66
1,2 Transdichloroethylene	0.013	0.026

(Ord. # 801-11-2014, December 2014)

## CHAPTER 5

### SCHEDULE OF RATES AND CHARGES

#### SECTION

- 18-501. Rates.
- 18-502. Tap fees.
- 18-503. Service charges.
- 18-504. Other service charges.
- 18-505. Collection charges.
- 18-506. Reconnection charges.
- 18-507. Relocation of services.
- 18-508. Temporary hydrant permit.
- 18-509. Meter accuracy test.
- 18-510. Wastewater contribution permit--\$50.00.
- 18-511. Miscellaneous gas charges.
- 18-512. Commercial wastewater disposal rate (private haulers).
- 18-513. Pre-treating industrial sewer rate.

#### 18-501. Rates.

Water:

Effective date	Customer	Minimum bill (zero gallons)	Charge per 1,000 Gallons
6/3/2012	Inside city:		
	Residential	\$8.00	\$2.49
	Industrial/commercial	\$12.00	\$2.49
	Industrial over 50,000 gallons		\$2.22
	Outside city:		
	Residential	\$18.00	\$3.26
	Industrial/commercial	\$24.00	\$2.49
	Industrial over 50,000 gallons		\$2.22

(1) Effective June 3, 2012 and June 3, 2013 the monthly minimum water bill for residential customers inside the city limits will increase \$1.00 (one dollar) per customer. Effective June 3, 2012 and June 3, 2013 water rates for all residential customers outside the city limits will increase .25 cents (twenty-five

cents) per year for each 1,000 (one thousand) gallons used. (Ord. #762-4-2011, June 2011)

(2) On July 1, 2011 and each Fiscal Year thereafter the rates will be adjusted to meet any increase in the current CPI to assure the water financial operations are maintained at State of Tennessee Environment and Conservation Department expectations. (Ord. #762-4-2011, June 2011)

**Sewer:**

	Customer	Minimum bill (zero gallons)	Charge per 1,000 gallons
10/1/2013	Inside City:		
	Residential	\$2.73	\$5.46
	Industrial/ commercial	\$2.73	\$5.46
	Flat rate	\$25.67	

(1) On July 1, 2014, the Minimum Bill on residential, industrial, and commercial accounts will be set at 75% of the per thousand gallon charge and on July 1, 2015, and each Fiscal Year thereafter the Minimum Bill will be the same as the per thousand gallon charge. (Ord. #786-8-2013, Sept. 2013)

Gas: Residential and commercial use less than four hundred thousand (400,000) cubic feet:

First 500 cubic feet \$4.07 (minimum bill)

Next 399,500 cubic feet \$8.20 per 1,000 cubic feet (MCF)

Industrial and commercial use over four hundred thousand (400,000) cubic feet/400 (MCF):

Per 1,000 cubic feet/per MCF -\$7.27 (1988 Code, § 13-6A, as amended by Ord. #679-10-2004, Dec. 2004, Ord. #695-5-2006, July 2006, Ord. #732-10-2008, Dec. 2008, and Ord. #739-4-2009, June 2009)

**18-502. Tap fees.**

<u>Water tap fees:</u>	
<u>Meter size</u>	<u>City/county</u>
3/4"	\$350.00/\$400.00
1"	\$500.00/\$550.00
1 1/2"	\$650.00/\$700.00

2" and over	\$Cost/cost
-------------	-------------

(Ord. #773-2-2012, March 2012)

Note: Three inch (3") service and above require bypass piping, two inch (2") service may elect to accept interruption of service or choose to pay for cost of bypass piping.

<u>Sewer tap fees:</u>	
<u>Meter size</u>	<u>City/county</u>
4"	\$350.00/\$350.00
6" and over	\$Cost/cost
<u>Gas tap fees:</u>	
<u>Meter size</u>	<u>City/county</u>
3/4"	\$250.00/\$300.00
1" and over	Cost/cost

(1988 Code, § 13-6B, as replaced by Ord. #726-8-2008, Oct. 2008)

**18-503. Service charges.**

(1) Non-refundable service charges. The following non-refundable service charges will be charged to establish utility service with a ten dollar (\$10.00) service charge each and every time the customer moves.

Homeowner

House

Water Service Charge	\$15.00
Sewer Service Charge	\$30.00
Gas Service Charge	\$25.00

Mobile Homes

Water Service Charge	\$30.00
Sewer Service Charge	\$30.00
Gas Service Charge	\$75.00

Renter (House or Mobile Home)

Water Service Charge	\$30.00
Sewer Service Charge	\$30.00
Gas Service Charge	\$75.00

(2) Refundable deposits. The following refundable deposits will be charged to establish commercial/industrial utility service. Deposits shall be transferred from existing service to new service, and may be fully refundable in the event that utility service is disconnected and not transferred to another location:

Commercial/industrial deposits

Average monthly water and sewer bill (past twelve (12) months) and average monthly gas bill (two (2) high and two (2) low bills average in past twelve (12) months) of business in equal and/or similar building or meter size as determined by the utility department. Listed below is the minimum for this type of customer:

Water Deposit	\$15.00
Sewer Deposit	\$30.00
Gas Deposit	\$75.00

(Ord. #675-8-2004, Oct. 2004)

**18-504. Other service charges.**

- |  |         |
|--|---------|
| (1) Transfer of services   | \$10.00 |
| (2) Returned check   | \$30.00 |
| (3) After hours service call at customer request or problem        | \$25.00 |
| (4) Additional gas light-up or cut-off during normal working hours | \$10.00 |
| (5) Punch customer sewer line if required                          | \$25.00 |

(Ord. #675-8-2004, as amended by Ord. #687-10-2005, Sept. 2005)

**18-505. Collection charges.**

(1) Delinquent charge on outstanding bills immediately following due date:

- (a) Limit of two (2) notices--\$5.00;
- (b) Three (3) or more notices--\$10.00;

(2) Charges as result of customer tampering, damaging and/or stealing services:

- (a) Illegal turn on by customer--\$10.00;
- (b) Removal of meter to prevent illegal usage--\$10.00;
- (c) Removal of irregular connection to prevent illegal usage where meter has been removed--\$15.00;
- (d) Damage to department equipment—cost. (1988 Code, § 13-6E)

**18-506. Reconnection charges.**

- (1) Charges for reconnection of services previously cut-off for nonpayment:
  - (a) Limit of two (2) occurrences--\$10.00;
  - (b) Three (3) or more occurrences--\$20.00;

NOTE: Charge will be twenty dollars (\$20.00) minimum if reinstallation of a pulled meter is necessary.

(2) Disconnect and reconnect service at the street because of meter or service being inaccessible or illegally turned on—cost. (1988 Code, § 13-6F)

**18-507. Relocation of services.** Relocation of existing water, sewer or gas service at the request of the customer—cost. (1988 Code, § 18-6G)

**18-508. Temporary hydrant permit.**

- (1) Rate #1 nonprofit and charitable use:
  - (a) Ten dollars (\$10.00) fixed fee for first five thousand (5,000) gallons or less;
  - (b) Standard water rate charge for every one thousand (1,000) gallons over five thousand (5,000);
  - (c) Fifty dollars (\$50.00) refundable deposit.
  
- (2) Rate #2 Private use (contractors, swimming pools, etc.):
  - (a) Twenty-five dollars (\$25.00) fixed fee for first five thousand (5,000) gallons or less;
  - (b) Standard water rate charge for every one thousand (1,000) gallons over five thousand (5,000);
  - (c) Six hundred dollars (\$600.00) refundable deposit. (1988 Code, § 13- 6H)

**18-509. Meter accuracy test.**

Water:	3/4 -inch	--\$15.00	
	1-inch	--\$25.00	
	2-inch	--\$35.00	
	--All over 2-inch		--\$50.00

(Ord. #321-1-80, as amended by Ord. #440-8-88 and Ord. #679- 10-2004)

Gas:	Residential--\$15.00
	Commercial/industrial—cost. (1988 Code, § 13-6I)

**18-510. Wastewater contribution permit--\$50.00.** Permit required for connection to the City of Savannah POTW by a significant user. (1988 Code, § 13-6J)

**18-511. Miscellaneous gas charges.**

- Gas plumber permit initial--\$10.00.
- Gas plumber permit renewal--\$5.00.
- Gas inspection fee (per trip) --\$5.00. (1988 Code, § 13-6K)

**18-512. Commercial wastewater disposal rate (private haulers).**

Commercial haulers shall be charged an equitable cost as determined by the department for treatment of waste as discharged. (1988 Code, § 13-6L)

**18-513. Pre-treating industrial sewer rate.** Any industrial user pre-treating in accordance with all the conditions of chapter 4 of this title shall be eligible for a reduction in sewer rate based on the efficiency of this pretreatment process. Utilizing the annual certifications prescribed in chapter 4, the utility director is authorized to develop a sewer rate which shall discount the proportion of the sewer rate attributable to treatment cost by the percentage efficiency of the

industrial users pretreatment process relating to the maximum concentration in twenty-four (24) hour flow proportional composite sample for biochemical oxygen demand and suspended solids.

Any rate so prescribed shall be subject to the approval of the board of commissioners. (1988 Code, § 13-6M)

## CHAPTER 6

### GENERAL REGULATIONS GOVERNING CITY FRANCHISES

#### SECTION

18-601. Franchises subject to regulations.

18-602. Franchise standards.

18-603. Application of chapter.

**18-601. Franchises subject to regulations.** All public utility and public service franchises granted under the authority of Article III, Section 1 of the Private Acts of 1951, Chapter 683, shall be subject to the following rights of the city, provided however, that this enumeration is not to be construed as being exclusive or as impairing the city to impose any condition that may be in the municipal interest and within the power of the city to impose or require:

(1) To establish reasonable standards of service and prevent unjust discrimination in service or rates;

(2) To require proper and adequate provision, extension and maintenance of plants and service at the highest practicable standard of performance;

(3) To require uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof; and

(4) To impose such other regulations as may be determined by the city commission to be necessary to the health, said welfare and accommodation of the public. (1988 Code, § 13-701)

**18-602. Franchise standards.** The city commission may institute such actions or proceedings as may be necessary to enforce franchises and may revoke, cancel or annul all franchises which have become inoperative, illegal, or void and not binding upon the city. Subject to state law, all public utility franchises shall prescribe the manner of fixing rates, fares, and charges, and the re-adjustments at reasonable intervals at the discretion of the city. The city shall be notified within sixty (60) days before any rate increase is proposed by any such franchised public utility or public service and the franchised utility will furnish to the city all of its books and accounting as it may deem necessary to determine if the rate increase is reasonable. The city shall have the right, after an investigation, to prescribe the reasonable and just rate that the franchised utility should charge. (1988 Code, § 13-702)

**18-603. Application of chapter.** This chapter shall apply to all public utility and public service franchises granted prior to the passage of this chapter and will likewise apply to all future franchises granted by the city. However, this chapter shall not be construed to repeal, abridge, modify or supersede any statute or law of the state pertaining to the public service commission or the regulation of public utilities which are subject to its jurisdiction. (1988 Code § 13-703)



## CHAPTER 7

### WATER SALES TO AQUA UTILITY COMPANY

#### SECTION

18-701. Mayor authorized to execute contract.

18-702. Terms.

**18-701. Mayor authorized to execute contract.** The Mayor of the City of Savannah is hereby authorized to enter into and execute a contract for the sale of water to the Aqua Utility Company and/or its successors which shall include the following terms and conditions. (1988 Code, § 13-801)

**18-702. Terms.**

- (1) The seller agrees:
  - (a) Quality and quantity. To furnish the purchaser, at the point of delivery hereinafter specified, during the term of this contract or any renewal or extension thereof, potable treated water meeting applicable purity standards of the Tennessee Department of Public Health, in such quantity as may be required by the purchaser, not to exceed eight million (8,000,000) gallons per month.
  - (b) Point of delivery and pressure. That water will be furnished at a reasonably constant pressure calculated at sixty to eighty (60 – 80) lbs. from an existing ten inch (10") main supply at a point located at Point Grande Drive and Pyburn Road. If a greater pressure than that normally available at the point of delivery is required by the purchaser, the cost of providing such greater pressure shall be borne by the purchaser. Emergency failures of pressure or supply due to main supply line breaks, power failures, floods, fires and use of water to fight fires, earthquakes or other catastrophes shall excuse the seller from this provision for such reasonable period of time as may be necessary to restore service.
  - (c) Metering equipment. To furnish, install, operate, and maintain at its own expense at the point of delivery, the necessary metering equipment, including a meter house or pit, and required devices of standard type for properly measuring the quantity of water delivered to the purchaser and to calibrate such metering equipment whenever requested by the purchaser. A meter registering not more than two percent (2%) above or below the test result shall be deemed to be accurate. The previous reading of any meter disclosed by test to be inaccurate shall be corrected for the two (2) months previous to such test in accordance with the percentage of inaccuracy found by such tests. If any meter fails to register for any period, the amount of water delivered in the corresponding period immediately prior to the failure, unless

seller and purchaser shall agree upon a different amount. The metering equipment shall be read on a monthly basis. An appropriate official of the purchaser, at all reasonable times, shall have access to the meter for the purpose of verifying its readings.

- (d) Billing procedure. To furnish the purchaser, not later than the 15th day of each month, with an itemized statement of the amount of water furnished the purchaser during the preceding month.
- (2) The purchaser agrees:
- (a) Rates and payment date. To pay the seller, not later than the last day of each month, for water delivered in accordance with the following schedule of rates:
    - (i.) One dollar and sixty-five cents (\$1.65) per one thousand (1,000) gallons.
  - (b) Connection fee. To pay as an agreed cost, a connection fee to connect the seller's system to the system of the purchaser, the sum of twenty thousand dollars (\$20,000.00) which shall cover any and all costs of the seller for initial installation of the metering equipment. In addition thereto, purchaser shall be required to place on deposit with the City of Savannah the sum of five thousand dollars (\$5,000.00) which shall be deemed by the parties as a refundable service deposit. Said deposit shall be in the name of the seller. The purchaser shall receive the interest therefrom provided it pays its bills as required by this agreement. Any additional meters required shall be subject to additional connection fees.
  - (c) Deed of water line. The purchaser agrees, to convey the necessary water line easement, which shall be at least twenty feet (20'), and the ten inch (10") water line itself, consisting of some seven thousand two hundred feet (7,200') to the seller upon execution of this contract, for no consideration. Said line is located on south right-of-way of Pyburn Road. Purchaser agrees that said right-of-way is not encumbered in any way by it and that county has authorized the placing of said line on its right-of-way.
- (3) It is further mutually agreed between the seller and the purchaser as follows:
- (a) Term of contract. That this contract shall extend for a term of twenty (20) years from the date of the initial delivery of any water as shown by the first bill submitted by the seller to the purchaser and, thereafter may be renewed or extended for such term, or terms, as may be agreed upon by the seller and the purchaser.
  - (b) Delivery of water. That thirty (30) days prior to the estimated date of first demand for water delivery to the purchaser's water supply distribution system, the purchaser will notify the seller in

writing the date for the initial delivery of water; however this provision may be waived by mutual consent.

- (c) Water for testing. When requested by the purchaser, the seller will make available at the point of delivery, or other reasonably close thereto, water sufficient for testing, flushing, and trench filling the system of the purchaser during construction, irrespective of whether the meeting equipment has been installed at that time, at the regular contract rate herein provided, which will be paid by the purchaser.
- (d) Failure to deliver. That the seller will, at all times, operate and maintain its system in an efficient manner and will take such action as may be necessary to furnish the purchaser with quantities of water required by the purchaser. Temporary or partial failures to deliver water shall be remedied with all possible dispatch. In the event of any extended shortage of water, or if the supply of water available to the seller is otherwise diminished over an extended period of time, the supply of water to purchaser's customers shall be reduced or diminished in the same ratio or proportion as the supply to seller's other customers is reduced or diminished.
- (e) Modification of contract. That the provisions of this contract pertaining to the rate to be paid by the purchaser for water delivered are subject to modification at the end of every one (1) year period. The rate charged under this contract per one thousand (1,000) gallons shall be equal to the base rate per one thousand (1,000) gallons charged by the City of Savannah to its residential and/or commercial customers located inside the city.
- (f) Regulatory agencies. That this contract is subject to such rules, regulations, or laws as may be applicable to similar agreements in this state and the seller and purchaser will collaborate in obtaining such permits, certificates, or the like, as may be required to comply therewith. In the event the purchaser shall operate its system in a manner so as to clearly violate state statutes or regulations to which this agreement is subject, or in such a manner as to constitute an imminent threat to the seller's supply system, then the seller shall have the right to discontinue service until such time as such conditions are remedied.
- (g) Miscellaneous. In the event the purchaser shall sell its water distribution system and assets pertaining thereto to a utility district, a corporation not for profit authorized to engage in such utility services, a water co-op, or any other type of legal entity formed under the laws of the State of Tennessee, this contract shall be assignable with all other assets of the Aqua Utility Company's water distribution system and such assignee, upon notice of consummation of the sale given to the seller, shall

succeed to all rights and assume all liabilities of the purchaser under this contract.

- (h) Assignment. This contract may be assignable for security purposes under any bond resolution adopted by the purchaser or any successor of the purchaser under chapter 6 hereof. (1988 Code, § 13-802)

## CHAPTER 8

### CROSS CONNECTIONS, AUXILIARY INTAKES, ETC.<sup>1</sup>

#### SECTION

- 18-801. Definitions.
- 18-802. Standards.
- 18-803. Construction, operation, and supervision.
- 18-804. Statement required.
- 18-805. Inspections required.
- 18-806. Right of entry for inspections.
- 18-807. Correction of existing violations.
- 18-808. Use of protective devices.
- 18-809. Unpotable water to be labeled.
- 18-810. Violations.

**18-801. Definitions.** The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

(1) "Auxiliary intake." Any piping connection or other device whereby water may be secured from a source other than that normally used.

(2) "Bypass." Any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water purification plant.

(3) "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 ineffective check or back-pressure valves, or because of any other arrangement.

(4) "Interconnection." Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain sewage or other waste or liquid which would be capable of imparting contamination to the public water supply.

(5) "Person." Any and all persons, natural or artificial, including any individual, firm, or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country.

(6) "Public water supply." The waterworks system furnishing water to the city for general use and which supply is recognized as the public water supply by the Tennessee Department of Environment and Conservation. (1988 Code, § 8-501)

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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.

**18-802. Standards.** The City of Savannah 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, bypasses, and interconnections, and establish an effective ongoing program to control these undesirable water uses. (1988 Code, § 8-502)

**18-803. Construction, operation, and supervision.** It shall be unlawful for any person to cause a cross connection to be made, or allow one to exist for any purpose whatsoever, unless the construction and operation of same have been approved by the Tennessee Department of Environment and Conservation and the operation of such cross connection, auxiliary intake, bypass or interconnection is at all times under the direct supervision of the director of the waterworks of the city. (1988 Code, § 8-503)

**18-804. Statement required.** Any person whose premises are supplied with water from the public water supply and who also has on the same premises a separate source of water supply, or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall file with the director of waterworks a statement of the non-existence of unapproved or unauthorized cross connections, auxiliary intakes, bypasses, or interconnections. Such statement shall also contain an agreement that no cross connection, auxiliary intake, bypass, or interconnection will be permitted upon the premises. (1988 Code, § 8-504)

**18-805. Inspections required.** It shall be the duty of the director of the 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 re-inspections, based on potential health hazards involved, shall be established by the director of the waterworks and as approved by the Tennessee Department of Environment and Conservation. (1988 Code, § 8-505)

**18-806. Right of entry for inspections.** The director of public utilities or his authorized representative shall have the right to enter, at any reasonable time, any property served by a connection to the Savannah Public Water Supply for the purpose of inspecting the piping system or systems therein for cross connections, auxiliary intakes, bypasses, or interconnections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections. (1988 Code, § 8-506)

**18-807. Correction of existing violations.** Any person who now has cross connections, auxiliary intakes, bypasses, or interconnections in violation of the provisions of this chapter shall be allowed a reasonable time within which to comply with the provisions of this chapter. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the director of public utilities.

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 director of the waterworks shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the utility shall give the customer legal notification that water service is to be discontinued and shall physically separate the public water supply from the customer's on-site piping system in such a manner that the two (2) systems cannot again be connected by an unauthorized person.

Where cross connections, interconnections, auxiliary intakes, or bypasses are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the director of public utilities 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. (1988 Code, § 8-507)

**18-808. 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 water supply, 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 Director of the Public Utilities of the City of Savannah or his designated representative, shall require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective device shall be a reduced pressure zone type backflow preventer approved by the Tennessee Department of Environment and Conservation as to manufacture, model, and size. The method of installation of backflow protective devices shall be approved by the director of public utilities prior to installation and shall comply with the criteria set forth by the Tennessee Department of Environment and Conservation. The installation shall be at the expense of the owner or occupant of the premises.

The Director of the Public Utilities of the City of Savannah shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by the director of public utilities or his designated representative.

Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where it is found that only one unit has been installed and the continuance of service is critical, the director 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 director 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 director of public utilities.

The failure to maintain backflow prevention devices in proper working order shall be grounds for discontinuing water service to a premises. Likewise, the removal, bypassing, or altering of the protective devices or the installation thereof so as to render the devices ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the director of public utilities. (1988 Code, § 8-508)

**18-809. Unpotable water to be labeled.** In order that 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

The minimum acceptable sign shall have black letters at least one inch (1") high located on a red background. (1988 Code, § 8-509)

**18-810. Violations.** The requirements contained herein shall apply to all premises served by the city 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 health wise, 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 under the general penalty clause for this municipal code of ordinances. (1988 Code, § 8-510)



## TITLE 19

### ELECTRICITY AND GAS<sup>1</sup>

#### CHAPTER

#### 1. GAS RULES AND REGULATIONS

#### CHAPTER 1

#### GAS RULES AND REGULATIONS

#### SECTION

- 19-101. Definitions.
- 19-102. Standard service.
- 19-103. Non-standard service.
- 19-104. Obtaining service.
- 19-105. Meters.
- 19-106. Additional load.
- 19-107. Meter tests.
- 19-108. Meter locations.
- 19-109. Multiple service through a single meter.
- 19-110. Service lines.
- 19-111. Point of delivery.
- 19-112. Multiple delivery points.
- 19-113. Street excavations and restoration.
- 19-114. Main extensions.
- 19-115. Customer's piping and appliances—standards.
- 19-116. Access to customer's premises.
- 19-117. Inspections.
- 19-118. Notice of trouble.
- 19-119. Customer's responsibility for department's property.
- 19-120. Customer's responsibility for violation of rules and regulations.
- 19-121. Resale service.
- 19-122. Interconnections.
- 19-123. Unauthorized use or interference with gas supply.
- 19-124. Damages due to pressure fluctuations.
- 19-125. Interruption of service.
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<sup>1</sup>Municipal code reference

Gas code: title 12, chapter 5.

**19-101. Definitions.** Wherever the context shall admit or require, words used herein in the singular shall include the plural, words used in the plural shall include the singular, words used in the masculine shall include the feminine, and words used in the feminine shall include the masculine.

(1) "Auxiliary buildings" mean structures accompanying a dwelling or premises not designed for residential purposes (i.e., garage, pool house, outbuilding, etc.).

(2) "Customer" means any person who receives gas service from the department under either an expressed or implied contract such person to pay the department for such service; and shall include any person upon whose property there is located a gas service line even though such service line is not in active use.

(3) "Day," whenever used with reference to a period for which gas used is measured or metered, shall mean a period of twenty-four (24) consecutive hours beginning as near as practical to 8:00 A.M., Central Standard Time, and the date of any such day shall be the date of the calendar day on which said twenty-four (24) hour period begins.

(4) "Department" means the Savannah Utility Department, and its duly authorized officers and agents. The term "department" shall include the City of Savannah where the contest so admits or requires.

(5) "Dwelling" means any single structure, with auxiliary buildings, occupied by one (1) or more persons or households for residential purposes.

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

(7) "MCF" means one thousand (1,000) cubic feet.

(8) "Person" includes firms, corporations, governmental bodies, organizations, associations and individuals.

(9) "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.

(10) "Service line" shall mean the pipe which leads from department gas distribution mains to outlet of meter. "Service line" does not include meter, cut-off cock, pressure regulator or gauges. (1988 Code, § 13-501)

**19-102. Standard service.** Service is normally limited to natural gas of approximately one thousand (1,000) BTU per cubic foot heat content and approximately 0.6 specific gravity as referred to air, and at a nominal pressure of seven inches (7") water column above atmosphere. The department reserves the right to furnish substitute or supplemental gas of different heat content and/or specific gravity either in the event of emergency or for other reasons. Pressure specified herein is nominal pressure and the department does not guarantee actual pressure. (1988 Code, § 13-502)

**19-103. Non-standard service.** For service at other than standard pressure, the customer shall confer with the department regarding the type of

service required. Before the customer proceeds with the purchase of equipment or piping in such cases, he should contact the department, which will furnish information, in writing, on the ability of the department to meet special requirements. The customer shall pay the cost of any special installation which is made to meet his peculiar requirements.

For billing purposes, the volume or quantity of gas delivered to a customer using non-standard service, as metered or estimated, shall be corrected, in accordance with Boyle's Law, to its equivalent volume at a gauge pressure of four (4) ounces per square inch. (1988 Code, § 13-503)

**19-104. Obtaining service.** Customers are reminded that a formal application for either original or additional service must be made at the office of the department and be duly approved before connection or meter installation orders will be issued and work performed. (1988 Code, § 13-504)

**19-105. Meters.** No one shall do anything which will in any way interfere with or prevent the proper registration of a meter. No one shall tamper with or work on a gas meter without the written permission of the department. No one shall install any pipe or other device which will cause gas to pass through or around a meter without the passage of such gas being fully registered by the meter. (1988 Code, § 13-505)

**19-106. Additional load.** Meters and equipment supplied by the department for each customer have definite capacities and no major addition to the equipment or load connected thereto shall be made except by consent of the department. (1988 Code, § 13-506)

**19-107. Meter tests.** The department will, at its own expense, make periodic tests and inspections of its meters in order to maintain a high standard of accuracy. The department will make additional tests or inspection of its meters at the request of the customer. If such tests show that the meter is accurate within two percent (2%), slow or fast, no adjustments will be made in the customer's bill and a testing charge as per schedule of rates and charges shall be paid by the customer. The department will make additional tests or inspection of its meters at the request of the customer. In case the test shows the meter to be in excess of two percent (2%), fast or slow, the meter will be replaced. An adjustment will be made in the customer's bill over a reasonable period as determined by the department.

Should a meter fail to properly register the amount of gas, the department reserves the right to render an estimated bill from the best information available. (1988 Code, § 13-507)

**19-108. Meter locations.** For new installations, department approval of meter locations shall be obtained before any piping is installed. The customer or owner of the premises shall provide a suitable location, satisfactory to the

department, for all meeting equipment. The location must protect this equipment from undue exposure to heat, dampness, dust, dirt or other cause of damage. It must permit ready access for inspection, repair or removal of the metering equipment and must permit the meter being easily read from outside the building except that meters in apartment buildings containing four (4) or more units, and in offices and businesses places, may be installed in suitable locations open to access during all normal business hours.

When two (2) or more meters are to be installed in one/(1) premise, such as an office building or apartment building, they shall be grouped in one (1) common place, accessible at all times during normal business hours. The expense of installing such meter centers, except for the immediate connections from the meters to the meter manifold shall be borne by the customer.

Except with written approval by the department, all meters shall be located immediately adjacent to the point where the service line enters the building. In no event shall any portion of the service line inside the building be concealed in walls or otherwise nor shall any meter be located above the first or ground level floor.

Meters at present located in positions not in conformity with the foregoing requirements shall be moved, at the expense of the customer, to locations which do conform when:

- (1) The building in which the meter is located is undergoing major structural alterations involving change in the gas piping.
- (2) The customer desires the meter to be relocated for his convenience.
- (3) Changes are made in the building which make the meter inaccessible.
- (4) A customer is found to be preventing or avoiding proper registration by the meter.

The department reserves the right to move a meter, at its own expense, to a more accessible location despite the fact that it may have previously approved the location no longer desired by the department. If the meter is moved by the department, the customer will be required to move their service line to the new meter location at no cost to the department.

Where a gas line is adjacent to industrial property, the city will pay for labor to provide gas lines to the meters of industrial customers and the industrial customers will pay for all materials, including the meter. Under special circumstances, and upon consideration from the board of utilities, the city commission may consider a modification of this policy. (1988 Code, § 13-508, as amended by Ord. #564-4-98, June 1998)

**19-109. Multiple service through a single meter.** Service will not be furnished through a single service line and meter to more than one (1) dwelling or one (1) premises with the following exceptions:

- (1) Building under one (1) ownership that has a number of apartments, offices or stores under one (1) roof.

(2) Mobile home or trailer park (such park is defined as having three (3) or more units).

Contract for services of the above exceptions shall be with the owner. (1988 Code, § 13-509)

**19-110. Service lines.** The department will install, in a location which the department will determine, a service line from the gas distribution main to the meter location. The customer shall reimburse the department for the cost of that part of the service line in excess of one hundred feet (100') as calculated from the gas distribution main.

The service line from the main to the meter shall remain the property of the department and will be maintained by the department. Damage to said service line by customer, customer's agent, household member, etc. shall be repaired by the department of which all cost for repair shall be borne by the customer unless customer requested line location by the department and said location was inaccurate.

If location of service line by the department was accurate and damage to said service line was still incurred, customer will be responsible for repair cost by the department. (1988 Code, § 13-510)

**19-111. Point of delivery.** Except as may be otherwise provided by written agreement, the point of delivery for gas services to a customer by the department shall be defined as the outlet side of the gas meter. All piping and equipment beyond the point of delivery shall be the property of and be maintained by the customer. The department shall not be liable for injury to person or property on account of any defect or negligence in the installation, maintenance or use of any piping or equipment beyond said point of delivery. (1988 Code, § 13-511)

**19-112. Multiple delivery points.** The rates fixed in the schedule of rates and charges for each class of service are based on the supply of service to the entire premises through a single service line and meter location. Separate supply for the same customer at other points of consumption shall be separately metered and billed. (1988 Code, § 13-512)

**19-113. Street excavations and restoration.** In the event the department shall remove any pavement and dig a trench in making the connection from the gas main to the property line, and shall damage the surface of any street, sidewalk, curb or gutter, then the department shall refill any ditch so dug and repair any damage to any curb, gutter or sidewalk. In refilling the ditch in said street, the department shall tamp the same and compact the dirt as near as possible to the condition it was before the opening of such ditch, and shall place on top of the same gravel or crushed stone for the purpose of the paved surface or pavement on the street being replaced. The replacing of the surface or pavement on the street shall be done by the street department of the City of Savannah within the corporate

limits. County and state roads shall be the responsibility of the department as negotiated with the individual government entity. (1988 Code, § 13-513)

**19-114. Main extensions.**

(1) Gas service to any development, subdivision, large commercial or industrial customer which requires any extensions, additions or improvements to the department's gas system will be furnished only pursuant to written contract satisfactory to the department and then only:

- (a) When it appears to the satisfaction of the department that the cost of any such required extensions, additions and improvements will enable the department to receive such income as required to amortize such cost over a ten (10) year period; or
- (b) Upon the customer paying in advance the estimated cost of making any such required extensions, additions or improvements, or a part thereof.

(2) Except as herein provided, usual and ordinary extensions, additions and improvement to the department's gas system required to furnish gas service to existing residential and small commercial customers will be installed without cost to individual customers if the extensions do not exceed one hundred feet (100') in length per customer and provided that the extensions or improvements required shall be installed only in streets, alleys, or other ways dedicated to public use or in easements acceptable to the department. Main extensions in excess of one hundred feet (100') may be made provided any excess cost over that for the stated footage limits is paid by the customer on a non-refundable basis.

(3) All such extensions shall become the property of the department, as they are made, even though all or some part of the cost thereof is paid by parties other than the department. Main extensions will be sized by the department to handle present and future requirements, but when the customer is required to finance a main extension, the cost shall be based on the size necessary to serve the demand, but in no event less than two inch (2") main. No refunds shall be made by the department for service connections attached to the mains installed pursuant to this section.

(4) Whenever the department is of the opinion that it is to the best interests of the gas division to construct a gas main extension without requiring strict compliance with the foregoing provisions of this section, such extensions may be constructed upon such terms and conditions as shall be approved by the department.

The authority to make gas main extensions pursuant to the foregoing provisions of this section are permissive only, and nothing contained therein shall be construed as requiring the department to make gas main extensions to furnish service to any person or persons, even though such prospective customers meet all of the requirements contained in the foregoing provisions of this section, so as to authorize the department to make a main extension pursuant to said provisions. (1988 Code, § 13-514)

**19-115. Customer's piping and appliances—standards.** All gas piping beyond the outlet side of the meter shall be installed and maintained at the expense of the customer. In the case of new installations, or replacement of or change in now existing installations all such piping and appliance installations shall be installed in accordance with the applicable requirements and specifications of the Southern Building Standard Gas Code and in accordance with the ordinances of the City of Savannah.

In case of irreconcilable conflicts between the requirements of the applicable regulations mentioned above, the ordinances of the City of Savannah shall control as to installations.

By furnishing service to a customer, the department assumes no responsibility for seeing that the customer's piping and/or appliance installations comply with the requirements set forth herein. (1988 Code, § 13-515)

**19-116. Access to customer's premises.** The department's identified representatives and employees shall be granted access to customer's premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, and replacing all equipment belonging to the department, and for inspecting customer's piping, appliances, and premises in order to determine that the department's rules and regulations are being complied with. (1988 Code, § 13-516)

**19-117. Inspections.** The department shall have the right, but shall not be obligated, to inspect any installation before gas is introduced or at any later time. The department reserves the right to refuse or discontinue service to any piping, equipment, or appliances, not in accordance with the Southern Building Standard Gas Code specifications, or city ordinances, or which are not in accordance with any special contract, these rules and regulations, or other requirements of the department, but any failure to exercise this right shall not render the department liable or responsible for any loss or damage resulting from defects in the installation, piping, or appliances, or from violation of the International Fuel Gas Code specifications, city ordinances, or the provisions of any special contract, or from accidents which may occur upon the customer's premises.

The department shall not be obligated to connect and render service to new buildings or premises not now approved for gas service until such time as approval has been rendered by the department. (1988 Code, § 13-517, modified)

**19-118. Notice of trouble.** Customer shall notify the department immediately should the service be unsatisfactory for any reason, or should there be any defects, trouble, or accidents affecting the supply of gas. Such notice, if verbal, should be confirmed in writing. (1988 Code, § 13-518)

**19-119. Customer's responsibility for department's property.**

Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by the department shall be and remain the property of the department. Customer shall provide a space for and exercise proper care to protect the property of the department on his premises; and in the event of loss or damage to the department's property, arising from neglect of customer to care for same, the cost of necessary repairs or replacements shall be paid by the customer. (1988 Code, § 13-519)

**19-120. Customer's responsibility for violation of rules and regulations.** Where the department furnishes gas service to a customer, such customer shall be responsible to the department for all violations of the rules, regulations, and rate schedules of the department, which violations occur on the premises served or in connection with such service. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on the customer. (1988 Code, § 13-520)

**19-121. Resale service.** The customer shall not directly or indirectly, sell, sublet, assign, or otherwise dispose of the gas supplied to him by the department, or any part thereof, except with written permission from the department. No customer shall, in the distribution or use of gas furnished by the department, distribute gas through any pipes installed across or along property owned by any others, or installed on any street, alley, road or other public way. (1988 Code, § 13-521)

**19-122. Interconnections.** Except with the written permission of the department, no interconnection of any kind, shall be permitted between the department's gas system and gas supply from any other source. (1988 Code, § 13-522)

**19-123. Unauthorized use or interference with gas supply.** No person shall operate any of the department's valves or any of the department's equipment without permission or authority from the department. (1988 Code, § 13-523)

**19-124. Damages due to pressure fluctuations.** The department shall not be liable for personal injuries or for any damages to a customer's equipment or property, which may be caused by high pressure, by low pressure, or by fluctuation in pressure in the department's gas mains. Customer shall be responsible for protecting his service from pressure fluctuations by installing automatic safety pilot lights, pressure regulators, and other standard protective devices. (1988 Code, § 13-524)



**19-125. Interruption of service.** The department will endeavor to furnish continuous gas service, and to maintain reasonably constant pressure, but the department cannot and does not guarantee to the consumer any fixed pressure or continuous service. The department shall not be liable for any damages for any interruption or disturbance of service whatsoever.

In connection with the operation, maintenance, repair and extension of the department's gas system, the gas supply may be shut off without notice, when necessary or desirable; and each customer must be prepared for such emergencies. The department shall not be held liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption. (1988 Code, § 13-525)

**19-126. Restricted use of gas.** In times of emergencies or in times of gas shortage, the department reserves the right to restrict the purposes for which gas may be used by a customer and the amount of gas which a customer may use. A time of gas shortage within the meaning of this rule shall be deemed to exist whenever the actual use or the reasonably anticipated use of gas in any day or other period of time, from the department's natural gas supplier without incurring any overrun penalties.

Insofar as is reasonably practicable, priorities shall be established by the department as required.

The priorities as established by the department shall be superseded by any different priorities made applicable to the department by the department's natural gas supplier or by any state or federal governmental agency.

If a customer fails to comply with any restriction or curtailment made effective by the department, the department may take such remedial actions as it deems appropriate under the circumstances including temporarily disconnecting gas service and charging additional amounts because of the excess usage of gas. Where for any reason the exact amount of such excess usage cannot be determined, the department reserves the right to estimate the amount of such excess usage from the best information available.

Any customer who feels that the application of this section, as applied by the department, works an undue hardship upon such customer, shall have the right to appeal to the utility director for review, and in turn to appeal to the department itself; but no variance from the restrictions of this section shall be allowed unless and until the department finds that there are special circumstances working an undue hardship so as to justify the requested variance and approve such variance. (1988 Code, § 13-526)

**19-127. Light-up service.** The department will light and adjust domestic or general service heating equipment (excluding gas logs) one (1) time without charge during each fall light-up season (normally September through November). Any additional light-ups requested during the fall light-up season at any one (1) address will be charged for (see schedule of rates and charges) each

light-up. In addition, the same service applies for summer cut-offs (normally May through June). Services will be locked off during this time.

In case of leakage or other hazardous condition, the department will turn off the gas and will restore service as soon as the emergency no longer exists without charge for either. This does not apply to customers whose services have been disconnected for non-payment of bill. (1988 Code, § 13-527)

**19-128. Scope.** These rules and regulations and the regularly established rate schedules are a part of all contracts for receiving gas service from the department and apply to all service received from the department, whether the service is based upon contract, agreement, signed application, or otherwise. (1988 Code, § 13-528)

**19-129. Conflict.** In case of conflict between any provision of any rate schedule and these rules and regulations, the rate schedule shall apply. (1988 Code, § 13-529)

**19-130. Revisions.** These rules and regulations may be revised, amended, supplemented, or otherwise changed from time to time. Such changes, when effective, shall have the same force as the present rules and regulations. (1988 Code, § 13-530)

**19-131. Separability section.** If any clause, sentence, paragraph, section or part of these rules and regulations or the department's rate schedules shall be declared invalid or unconstitutional, it shall not affect the validity of the remaining parts of these rules and regulations or the department's rate schedules. (1988 Code, § 13-531)

**19-132. Filing and posting.** A copy of these rules and regulations, together with a copy of the department's schedule of rates and charges, shall be kept open to inspection at the offices of the department. (1988 Code, § 13-532)

## TITLE 20

### MISCELLANEOUS

#### SECTION

1. CITY PARKS.
2. EMERGENCY MANAGEMENT.

### CHAPTER 1

#### CITY PARKS

#### SECTION

- 20-101. Definitions.
- 20-102. Park hours and persons invited to use city parks.
- 20-103. Park property.
- 20-104. Sanitation.
- 20-105. Traffic.
- 20-106. Recreational activities.
- 20-107. Behavior.
- 20-108. Merchandising, advertising and signs.
- 20-109. Park operating policy.
- 20-110. Enforcement.
- 20-111. Rules and regulations.
- 20-112. Violations and penalties.

**20-101. Definitions.** For the purpose of this chapter, the following terms, phrases, words, and their definitions shall have the meaning given herein. When not inconsistent with the context, words used in the present tense including the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (1) "City" is the City of Savannah, Tennessee.
- (2) "Director" is the Director of Recreation and Parks of the City of Savannah, the person immediately in charge of all park area and its activities, and to whom all park attendants in such area are responsible.
- (3) "Park" is any city park or recreation area, either owned or leased by the city.
- (4) "Person" is any person, firm, partnership, association, corporation, company, or organization of any kind.
- (5) "Vehicle" is any wheeled conveyance, whether motor powered, animal-drawn, or self-propelled. The terms shall include any trailer in tow of any size, kind, or description. Exception is made for baby carriages and vehicles in the service of the city parks. (1988 Code, § 12-201)

**20-102. Park hours and persons invited to use city parks.** All persons are invited to use Savannah City Parks and its facilities who will comply with the terms of this chapter and such rules and regulations as may be promulgated hereunder governing the use of such park.

Savannah City Park will be open to use by the public invited thereto between the hours of 7:00 AM and 11:00 PM., except during winter when the hours are 7:00 A.M. to 5:00 P.M., unless otherwise authorized by the park supervisor. (1988 Code, § 12-202)

**20-103. Park property.** It shall be unlawful for any person within a Savannah city park to:

(1) Buildings and other property.

- (a) Disfiguration and removal. Willfully mark, deface, disfigure, injure, tamper with, or displace or remove any building, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines or other public utilities or parks or appurtenances thereof, signs, notices or placards when temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.
- (b) Restrooms and washrooms. Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of six (6) years shall use the restrooms and washrooms designated for the opposite sex.
- (c) Removal of natural resources. Dig, or remove any beach sand, whether submerged, or not, or any soil, rock, stones, trees, shrubs or plants, down-timber of other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency.
- (d) Erection of structures. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon, or across such lands, except on special written permit issued hereunder.

(2) Trees, shrubbery, lawns.

- (a) Injury and removal. Damage, cut, carve, transplant, or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant. Nor shall any person attach any rope, wire, or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.
- (b) Climbing trees, etc. Climb any tree or walk, stand or sit upon monuments, vases, fountains, railing, fences or gun-carriages or

upon any other property not designated or customarily used for such purposes.

- (c) Hitching of animals. Tie or hitch a horse or other animal to any tree or plant.
- (3) Wild, animals, birds, etc.
  - (a) Hunting. Hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal, reptile or bird; nor shall he remove or have in his possession the young of any wild animal, or the eggs or nest, or the young of any reptile or bird; nor shall he collect, remove, have in his possession, give away, sell or offer to sell, or buy or offer to buy, or accept as a gift, any specimen alive or dead of any of the group of tree snails. Exception to the foregoing is made in that snakes known to be deadly poisonous, such as rattle snakes, moccasins, coral snakes, or other deadly reptiles, may be killed on sight.
  - (b) Feeding. Give or offer, or attempt to give to any animal or bird any tobacco, alcohol or other known noxious substance. (1988 Code, § 12-203)

**20-104. Sanitation.** It shall be unlawful for any person within the Savannah City Park to:

(1) Pollution of waters. Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.

(2) Refuse and trash. Have brought in or shall dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse, or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so, provided, all such rubbish or waste shall be carried away from the park by the persons responsible for its presence, and property disposed of elsewhere. (1988 Code, § 12-204)

**20-105. Traffic.** It shall be unlawful for any person within a Savannah City Park to:

(1) State motor vehicle laws and city traffic ordinances apply. Fail to comply with all applicable provisions of the state motor vehicle traffic laws and the traffic code and ordinances of the City of Savannah in regard to equipment and operation of vehicles together with such regulations as are contained in this and other ordinances.

(2) Enforcement of traffic regulations. Fail to obey all traffic officers and park employees, such person being hereby authorized and instructed to direct

traffic whenever and wherever needed in the parks and on the highways, streets, or roads immediately adjacent thereto in accordance with the provisions of these regulations and such supplementary regulations as may be issued subsequently by the director.

(3) Obey traffic signs. Fail to observe carefully signs indicating speed, direction, caution, stopping, or parking, and all others posted for proper control and to safeguard life and property.

(4) Speed of vehicles. Ride or drive a vehicle at a rate of speed exceeding fifteen (15) miles an hour.

(5) Operation confined to roads. Drive any vehicles on any area except the paved park roads or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the director.

(6) Parking.

(a) Designated areas. Park a vehicle in other than an established or designated parking area, and such use shall be in accordance with the posted directions there at and with the instructions of any attendant who may be present.

(b) Full-parking. Full-parking on the road or driveway at any time.

(c) Immovable vehicles. Leave any vehicle anywhere in the park with one or more wheels chained, or with motor set in gears and doors locked, or in any manner fixed or arranged so that such vehicle cannot readily be moved by hand.

(d) Night parking. Leave a vehicle standing or parked at night without lights clearly visible for at least one hundred feet (100') from both front and rear on any driveway or road area except legally established parking areas.

(e) Emergency procedure. Fail to immediately notify an attendant of any emergency in the nature of a breakdown requiring the assistance of a tow-truck, mechanic or other person.

(f) Double-parking. Double-park any vehicle on any road or parkway unless directed by a park official.

(g) Muffler required. Fail to use a muffler adequate to deaden the sound of the engine in a motor vehicle.

(h) Leave a vehicle within the boundaries of the park after park hours unless such vehicle be disabled and is reported by the driver to a park attendant. Any vehicle remaining in said park after closing hours, except as is excepted herein, will be towed away and stored at the expense of the owner.

(7) Bicycle and motor cycles.

(a) Confined to roads. Ride a bicycle or motorcycle on other than a paved vehicular road.

(b) Operation. Ride a bicycle or motorcycle other than on the right-hand side of the road paving as close as conditions permit, and bicycles and motorcycles shall be kept in single file when two (2)

or more are operating as a group. Bicyclists and motorcyclists shall at all times operate their machines with reasonable regard to the safety of others, signal all turns, pass to the right of any vehicle they are overtaking, and pass to the right of any vehicles they may be meeting. No motorcycles shall be operated in the park unless equipped with a properly functioning muffler adequate to suppress motor noise to a comfortable level of sound.

- (c) Rider prohibited. Ride any other person on a bicycle.
- (d) Designated racks. Leave a bicycle in a place other than a bicycle rack when such is provided and there is space available.
- (e) Immobile. Leave a bicycle or motorcycle lying on the ground or paving, or set against trees, or in any place or position where other persons may trip over or be injured by them.
- (f) Night operation. Ride a bicycle or motorcycle on any road within the park between thirty (30) minutes after sunset or before thirty (30) minutes before sunrise without an attached headlight plainly visible at least two hundred feet (200') in front of, and without a red taillight or red reflector plainly visible from at least one hundred feet (100') from the rear of, such bicycle or motorcycle. (1988 Code, § 12-205)

**20-106. Recreational activities.** It shall be unlawful for any person within a Savannah city park to:

(1) Hunting and firearms. Hunt, trap, or pursue wildlife at any time. No person shall use, carry, or possess firearms of any description, or air rifles, spring-guns, bow and arrows, slings or any other form of weapon potentially inimical to wild life and dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device. Shooting into park areas from beyond park boundaries is forbidden.

(2) Picnic areas and use.

- (a) Regulated. Picnic or lunch in a place other than those designated for that purpose. Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end. Family reunions or any groups of ten (10) or more people shall be required to apply for and receive a reservation card for use of the park facilities.
- (b) Availability. Violate the regulation that use of the individual fireplaces together with tables and benches follows generally the rule of "first come, first served."
- (c) Non-exclusive. Use any portion of the picnic areas or of any of the building or structures therein for the purpose of holding picnics to the exclusion of other persons, nor shall any person use such area

and facilities for an unreasonable time if the facilities are crowded.

- (d) **Duty of picnicker.** Leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage and other refuse is placed in the disposal receptacles where provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.

(3) **Camping.** Except as specifically set out below, to set up tents, shacks, or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in a park after closing hours any movable structure or special vehicle to be used or that could be used for such purpose, such as house-trailer, camp wagon, or the like. Overnight "pup tent" camping by organized groups sponsored by recognized youth development agencies is permissible by special permit of the director obtained in accordance with § 20-110(3).

(4) **Games.** Take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins or model airplanes except in areas set apart for such forms of recreation. The playing of rough or comparatively dangerous games such as football, baseball, and quoits is prohibited except on the fields and courts or areas provided therefor. (1988 Code, § 12-206)

**20-107. Behavior.** It shall be unlawful for any person within a Savannah City Park to:

(1) **Disorderly conduct.**

- (a) Disorderly conduct is prohibited.
- (b) Offense defined. A person is guilty of disorderly conduct with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, if he shall:
  - (i.) Engage in fighting or in threatening, violent or tumultuous behavior; or
  - (ii.) Make unreasonable noise or make an offensively course utterance, gesture, or display, or address abuse language to any person present; or
  - (iii.) Create a hazardous or physically offensive condition by any act or threat of action.

(2) **Intoxicating beverages.**

- (a) Prohibition. Bring controlled substances and/or alcoholic beverages into the park or to drink alcoholic beverages at any time in the park.
- (b) Drunkenness. Have entered the park while under the influence of controlled substances and/or intoxicating beverages, or be under the influence of controlled substances and/or intoxicating liquor while within the park.



(3) Fireworks and explosives. Bring, or have in his possession, or set off or otherwise cause to explode or discharge or burn, any firecracker, torpedo, rocket, or other fireworks or explosives of inflammable material, or discharge them or throw them into any such area from land or highway adjacent thereto. This prohibition includes any substance, compound, mixture, or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints.

(4) Domestic animals. Bring or have been responsible for the entry of a dog or other domestic animal into areas other than automobile concourses and walks immediately adjacent thereto, and in such other areas as may be clearly marked by signs bearing the words "Domestic Animals Permitted in This Area." Nothing herein shall be construed as permitting the running of dogs at large. All dogs in those areas where such animals are permitted shall be restrained at all times on adequate leashes not greater than five feet (5') in length.

(5) Reservation of facilities. Occupy any seat or bench, or enter into or loiter or remain in any pavilion or other park structure or section thereof which may be reserved and designated by the board for the use of the opposite sex. Exception is made for children under six (6) years of age.

(6) Dress. Appear at any place in other than proper clothing.

(7) Alms. Solicit alms or contributions for any purpose, whether public or private.

(8) Fires. Build or attempt to build a fire except in such areas and under such regulations as may be designated by the director. No person shall drop, throw, or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable material, within any park or on any highway, road or street abutting or contiguous thereto.

(9) Closed areas. Enter an area posted as "Closed to the Public," nor shall any person use, or abet the use of any area in violation of posted notices.

(10) Games of chance. Gamble, or participate in or abet any game of chance.

(11) Loitering and boisterousness. Sleep or protractedly lounge on the seats, or benches, or other areas, or engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to a breach of the public peace.

(12) Exhibit permits. Fail to produce and exhibit any permit from the director he claims to have upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinances or rule.

(13) Interference with permittees. Disturb or interfere unreasonably with any person or party occupying any area, or participating in any activity, under the authority of a permit. (1988 Code, § 12-207)

**20-108. Merchandising, advertising, and signs.** No person in a Savannah City Park shall:

(1) Vending and peddling. Expose or offer for sale any article or thing, nor shall he station or place any stand, cart, or vehicle for the transportation, sale or display of any such article or thing. Exception is here made as to any regularly licensed concessionaire acting by and under the authority and regulation of the director.

(2) Advertising. Announce, advertise, or call the public attention in any way to any article or service for sale or hire.

(3) Signs. Paste, glue, tack or otherwise post any sign, placard, advertisement, or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a Savannah city park unless otherwise designated by the city commission. (1988 Code, § 12-208)

**20-109. Park operating policy.**

(1) Closed areas. Any section or part of a Savannah city park may be declared closed to the publicly by the director at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the director shall find reasonably necessary.

(2) Lost and found articles. The finding of lost articles by park attendants shall be reported to the director who shall make every reasonable effort to find articles reported as lost.

(3) Permit. A permit shall be obtained from the director before participating in the following park activities:

Overnight "pup tent" type camping by organized groups under the sponsorship of recognized youth agencies and special activities or events sponsored by any person as defined by this chapter.

(a) Application. A person seeking issuance of a permit hereunder shall file an application with the appropriate director. The application shall state:

- (i.) The name and address of the applicant;
- (ii.) The name and address of the person, persons, corporation, or association sponsoring the activity, if any;
- (iii.) The day and hours for which the permit is desired;
- (iv.) The park or portion thereof for which such permit is desired;
- (v.) An estimate of the anticipated attendance;
- (vi.) Any other information which the director shall find reasonably necessary to a fair determination as to whether a permit should issue hereunder.

(b) Standards for issuance. The director shall issue a permit hereunder when he finds:

- (i.) That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park;
  - (ii.) That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;
  - (iii.) That the proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct;
  - (iv.) That if the proposed activity or special event should in the judgment of the director require unusual or extraordinary police protection such security shall be a type and kind approved by the director and at the expense of the sponsoring person;
  - (v.) That the facilities desired have not been reserved for other use at the day and hour required in the application.
- (c) Appeal. Within twenty-four (24) hours after receipt of an application the director shall apprise an applicant in writing of his reasons for refusing a permit, and any aggrieved person shall have the right to appeal in writing within two (2) days to the board of commissioners, which shall consider the application under the standards set forth in subsection (b) hereof and sustain or overrule the director's decision within twenty-four (24) hours. The decision of the board of commissioners shall be final.
- (d) Effect of permit. A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in said permits.
- (e) Liability of permittee. The person or persons to whom a permit is issued shall be liable for any loss, damage or injury sustained by any person whatever by reason of the negligence of the person or persons to whom such permit shall have been issued.
- (f) Revocation. The director shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance, or upon good cause shown. (1988 Code, § 12-209)

**20-110. Enforcement.**

(1) Officials. The director and park attendant shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter.

(2) Ejectment. The director and any park attendant shall have the authority to eject from the park any person acting in violation of this chapter or rules and regulations promulgated hereunder. (1988 Code, § 12-210)

**20-111. Rules and regulations.** The director shall have the authority to promulgate such rules and regulations as may be necessary to carry out the

provisions of this chapter and to assure an impartial, fair, and safe use and enjoyment of a Savannah city park by those persons lawfully using the park. Regulations pertaining to specific activities shall be displayed in a prominent and public location at the point of the activity controlled. Rules and regulations pertaining to the park as a whole shall be publicly and prominently displayed at each entrance to city park. Rules and regulations adopted in accordance with this section shall have the same force and effect as if copied herein verbatim. (1988 Code, § 12-211)

**20-112. Violations and penalty.** Any person, firm or corporation violating any of the provisions of this chapter, by omission or commission of any act or deed, or refuses to comply with instructions of a park attendant, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished according to the general provisions of this code of ordinances. (1988 Code, § 12-212)

## CHAPTER 2

### EMERGENCY MANAGEMENT

#### SECTION

- 20-201. Definitions.
- 20-202. Creation of emergency management office.
- 20-203. Functions and duties of director of emergency management.
- 20-204. Powers of director of emergency management.
- 20-205. Enemy-caused emergencies.
- 20-206. Natural emergencies.
- 20-207. Powers of the city during emergencies.
- 20-208. Liabilities during emergencies.
- 20-209. Acceptance of services, equipment, funds, etc., by the city or county.
- 20-110. Incapability of the mayor.
- 20-211. Violations.

**20-201. Definitions.** As used in this chapter of the following definitions shall apply:

(1) "Emergency management" shall mean the preparation for the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to minimize and repair injury and damage resulting from disaster caused by enemy attack, sabotage, or other hostile action, natural disasters such as storms, floods, fires, explosions, tornadoes, hurricanes, drought, and such other natural disasters which might occur affecting the lives, health, safety, welfare and property of the citizens of Hardin County. These functions include, without limitation, firefighting services, police services, medical and health services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency welfare service, emergency transportation, existing or properly assigned functions relating to civilian protection together with all other activities necessary or incidental to the preparation for the carrying out of the foregoing emergency functions.

(2) "Enemy-caused emergency" means any state of emergency caused by actual or impending attack, sabotage or other hostile action, anywhere within the United States and involving imminent peril to life and property in Hardin County. Such emergency shall be deemed to exist only when the Mayor of the City of Savannah and/or the county judge shall so declare by public proclamation. Such emergency shall be deemed to continue to exist until the aforesaid mayor and/or county judge shall declare its termination by public proclamation or until the board of commissioners shall declare its termination by resolution.

(3) "Natural emergency" means any state of emergency caused by any actual or impending flood, drought, fire, hurricane, earthquake, storm or other catastrophe within Hardin County, Tennessee, and involving imminent peril to lives and property in Hardin County. Such emergency shall be deemed to exist and

to be terminated under the same conditions as prescribed for an enemy- caused emergency. (1988 Code, § 1-1401)

**20-202. Creation of emergency management office.** Because of the existing possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from enemy attack, sabotage, or other hostile actions, and in order to insure that preparation of Hardin County will be adequate to deal with such disaster and generally to protect the public peace, health and safety and to preserve the lives and property of the people of Hardin County it is hereby found and declared to be necessary:

(1) To create a Hardin County/Savannah emergency management office.

(2) To confer upon the mayor the emergency powers provided in existing state and federal codes.

(3) To provide for the rendering of mutual aid arrangements between Hardin County and surrounding communities.

The mayor is hereby authorized and directed to create an emergency management office and to appoint a director of emergency management. (1988 Code, § 1-1402)

**20-203. Functions and duties of director of emergency management.** The director of emergency management, shall have general direction and control of the office of civil defense and subject to the direction and control of the mayor, shall have the following functions and duties:

(1) To prepare an emergency management operation plan for the city conforming to the state and federal defense agencies' plans and programs to be integrated and coordinated so as to control and cooperate with the emergency management organizations of the County of Hardin for the accomplishment of the purposes of this chapter.

(2) To direct, coordinate, and cooperate among departments, services, and staff of the emergency management organization of the city;

(3) To represent the emergency management organization in all activities, which include public and private agencies operating in the field of emergency management and disaster. (1988 Code, § 1-1403)

**20-204. Powers of director of emergency management.** Prior to an emergency as defined in this chapter and subject to the direction and control of the mayor and/or county executive, the director of emergency management shall have the following powers:

(1) To make, amend, and rescind the necessary orders, rules and regulations to carry out the provisions of this chapter, within the limits of authority conferred upon him herein, with due consideration to be given to the plans and powers of the federal government, the government of Tennessee and other public and private agencies and organizations empowered to act in either enemy-caused emergencies or natural emergencies, or both;

(2) To prepare comprehensive plans for the emergency management of the city in both enemy-caused and natural emergency, such plans and programs to be integrated and coordinated with the plans and programs of the federal government, of the government of Tennessee, and of other public and private agencies and organizations empowered to act in either enemy-caused or natural emergencies, or both;

(3) To establish within the limits of funds available a public warning system composed of sirens, horns, or other acceptable warning devices;

(4) To establish within the limits of funds available a public warning system, composed of sirens, horns, or other acceptable warning devices;

(5) To conduct drills, exercises and similar programs as may be necessary to develop a well-trained, alert, fully prepared emergency management organization;

(6) To make such studies and surveys of the industries, resources, and facilities of Hardin County as deemed necessary to ascertain its capabilities for emergency management, and plan for the most emergency use therefore;

(7) On behalf of the City of Savannah and Hardin County, to enter into mutual-aid arrangements with surrounding counties and/or communities, subject to the approval of the board of commissioners and the county executive;

(8) To delegate any administrative authority vested in him under this chapter, and to provide for the sub delegation of any such authority;

(9) To take any other action proper and lawful under his authority to prepare for either an enemy-caused or a natural emergency. (1988 Code, § 1-1404)

**20-205. Enemy-caused emergencies.** In the event of any actual enemy-caused emergency proclaimed as provided in this chapter, the director of emergency management with the approval of the mayor and/or county executive may exercise, during such emergency, the power to enforce all rules and regulations relating to emergency management and acting under the authority of this chapter or under the authority of the mayor and/or county executive as an agent of the governor of Tennessee, may take control of all means of transportation and communications, all stocks of fuel, food, clothing, medicines, and supplies, and all facilities including buildings and plants and exercise all power necessary to secure the safety and protection of the civilian population. In exercising such powers, he shall be guided by regulations and orders issued by the federal government and the governor of Tennessee relating to emergency management and shall take no action contrary to orders which may be issued by the governor under the powers conferred upon him by Tennessee Code Annotated, §§ 58-2-101, et seq. (1988 Code, § 1-1405)

**20-206. Natural emergencies.** In the event of any natural emergency proclaimed as provided in this chapter, the director of emergency management with the approval of the mayor and/or county executive and acting under their instructions shall coordinate in every way the activities of the emergency

management organization. He is specifically charged in such emergency with the collection, evacuation, and dissemination of information to all agencies participating in the city's emergency management organization, or cooperating in such emergency. As director, he shall have the power to recommend appropriate action, but he shall not otherwise exercise control over the participating agency. He shall also recommend to the mayor and/or county executive the allocation of any funds received from the federal or state government or from any source to alleviate the distress and to aid in restoring normal conditions. (1988 Code, § 1-1406)

**20-207. Powers of city during emergencies.** In carrying out the provisions of this chapter, the city, upon the happening of any disaster as described herein, shall have the power to enter into contract and incur obligations necessary to combat such disaster, protecting the health and safety of persons and property and providing emergency assistance to the victims of such disaster. The city is authorized to exercise the powers vested under this section and elsewhere in this chapter in the light of exigencies of the extreme emergency situation without regard to time-consuming procedures and formalities prescribed by ordinance or statute (except mandatory constitutional requirements) pertaining to the performance of public work, entering into contract, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, and levying of taxes, and the appropriations and expenditures of public funds. (1988 Code, § 1-1407)

**20-208. Liabilities during emergencies.** As provided in Tennessee Code Annotated, § 58-2-129 and in accordance therewith, neither the city nor county agents or representatives of the city or county shall be liable for personal injury or property damage sustained by any person appointed or acting as a emergency management activity. The right of any person to receive benefits or compensation to which he might otherwise be entitled to under worker's compensation law or any pension law or any act of congress, shall not be affected by this section. (1988 Code, § 1-1408)

**20-209. Acceptance of services, equipment, funds, etc., by the city or county.** Whenever the federal government or the State of Tennessee, or any person, firm, or corporation shall offer to the city or county any services, equipment, supplies, materials, or any funds by way of gift, grant, or loan for the purposes of emergency management, the mayor and/or county executive may accept such offer and may authorized the receipt of same subject to the terms of the offer and the rules and regulation, if any, of the agency making the offer. (1988 Code, § 1-1409)

**20-210. Incapacity of the mayor.** In the event of the absence, incapacity, or inability to act on the mayor under the provisions of this chapter, the action or declarations authorized or required on the part of the mayor may be taken



or declared by the county executive of Hardin County, Tennessee. (1988 Code, § 1-1410)

**20-211. Violations.** Any person violating any of the provisions of this chapter or who shall fail to carry out any of the provisions of this chapter or who shall fail to carry out of any of the provisions hereof or to comply therewith or with any of the rules or regulations made under the authority hereof shall, upon conviction, be punished under the general penalty clause of this code. (1988 Code, § 1-1411)

**CERTIFICATE OF AUTHENTICITY**

City of Savannah  
County of Hardin  
State of Tennessee

I, Brinn Parrish, hereby certify that I am the Recorder of the City of Savannah, Tennessee, duly appointed and qualified; that as such, I am the official custodian of the minute books of the city and of the books, papers, records, and documents of the city and, that the foregoing pages of the "Savannah Municipal Code" contain a true, perfect, and correct copy of the city's code of ordinances and the ordinance adopting the same passed on final reading the 2nd day of June, 2016.

In witness whereof, I have hereunto subscribed my name this 2nd day of June, 2016.

Brinn A. Parrish  
Recorder

**APPENDIX**

**A. CODE OF ETHICS**

**APPENDIX A**

**CODE OF ETHICS**

## Appendix A

### 1. Campaign finance.

All candidates for the chief administrative office (mayor), any candidates who spend more than \$500, and candidates for other offices that pay at least \$100 a month are required to file campaign financial disclosure reports. Civil penalties of \$25 per day are authorized for late filings. Penalties up to the greater of \$10,000 or 15 percent of the amount in controversy may be levied for filings more than 35 days late. It is a Class E felony for a multicandidate political campaign committee with a prior assessment record to intentionally fail to file a required campaign financial report. Further, the treasurer of such a committee may be personally liable for any penalty levied by the Registry of Election Finance (T.C.A. § 2-10-101–118).

Contributions to political campaigns for municipal candidates are limited to:

- a. \$1,000 from any person (including corporations and other organizations);
- b. \$5,000 from a multicandidate political campaign committee;
- c. \$20,000 from the candidate;
- d. \$20,000 from a political party; and
- e. \$75,000 from multicandidate political campaign committees.

The Registry of Election Finance may impose a maximum penalty of \$10,000 or 115 percent of the amount of all contributions made or accepted in excess of these limits, whichever is greater (T.C.A. § 2-10-301–310).

Each candidate for local public office must prepare a report of contributions that includes the receipt date of each contribution and a political campaign committee's statement indicating the date of each expenditure (T.C.A. § 2-10-105, 107).

Candidates are prohibited from converting leftover campaign funds to personal use. The funds must be returned to contributors, put in the volunteer public education trust fund, or transferred to another political campaign fund, a political party, a charitable or civic organization, educational institution, or an organization described in 26 U.S.C. 170(c) (T.C.A. § 2-10-114).

### 2. Conflicts of Interest.

Municipal officers and employees are permitted to have an “indirect interest” in contracts with their municipality if the officers or employees publicly acknowledge their interest. An indirect interest is any interest that is not “direct,” except it includes a direct interest if the officer is the only supplier of

goods or services in a municipality. A “direct interest” is any contract with the official himself or with any business of which the official is the sole proprietor, a partner, or owner of the largest number of outstanding shares held by any individual or corporation. Except as noted, direct interests are absolutely prohibited (T.C.A. § 6-2-402, T.C.A. § 6-20-205, T.C.A. § 6-54-107–108, T.C.A. § 12-4-101–102).

3. Disclosure conflict of interests.

Conflict of interest disclosure reports by any candidate or appointee to a local public office are required under T.C.A. §§ 8-50-501 *et seq.* Detailed financial information is required, including the names of corporations or organizations in which the official or one immediate family member has an investment of over \$10,000 or 5 percent of the total capital. This must be filed no later than 30 days after the last day legally allowed for qualifying as a candidate. As long as an elected official holds office, he or she must file an amended statement with the Tennessee Ethics Commission or inform that office in writing that an amended statement is not necessary because nothing has changed. The amended statement must be filed no later than January 31 of each year (T.C.A. § 8-50-504).

4. Consulting fee prohibition for elected municipal officials.

Any member or member-elect of a municipal governing body is prohibited under T.C.A. § 2-10-124 from “knowingly” receiving any form of compensation for “consulting services” other than compensation paid by the state, county, or municipality. Violations are punishable as Class C felonies if the conduct constitutes bribery under T.C.A. § 39-16-102. Other violations are prosecuted as Class A misdemeanors. A conviction under either statute disqualifies the offender from holding any office under the laws or Constitution of the State of Tennessee.

“Consulting services” under T.C.A. § 2-10-122 means “services to advise or assist a person or entity in influencing legislative or administrative action, as that term is defined in § 3-6-301, relative to the municipality or county represented by that official.” “Consulting services” also means services to advise or assist a person or entity in maintaining, applying for, soliciting or entering into a contract with the municipality represented by that official. “Consulting services” does not mean the practice or business of law in connection with representation of clients by a licensed attorney in a contested case action, administrative proceeding or rule making procedure;

"Compensation" does not include an "honorarium" under T.C.A. § 2-10-116, or certain gifts under T.C.A. § 3-6-305(b), which are defined and prohibited under those statutes.

The attorney general construes "Consulting services" to include advertising or other informational services that directly promote specific legislation or specifically target legislators or state executive officials. Advertising aimed at the general public that does not promote or otherwise attempt to influence specific legislative or administrative action is not prohibited. Op. Atty.Gen. No. 05-096, June 17, 2005.

5. Bribery offenses.

a. A person who is convicted of bribery of a public servant, as defined in T.C.A. § 39-16-102, or a public servant who is convicted of accepting a bribe under the statute, commits a Class B felony.

b. Under T.C.A. § 39-16-103, a person convicted of bribery is disqualified from ever holding office again in the state. Conviction while in office will not end the person's term of office under this statute, but a person may be removed from office pursuant to any law providing for removal or expulsion existing prior to the conviction.

c. A public servant who requests a pecuniary benefit for performing an act the person would have had to perform without the benefit or for a lesser fee, may be convicted of a Class E felony for solicitation of unlawful compensation under T.C.A. § 39-16-104.

d. A public servant convicted of "buying and selling in regard to offices" under T.C.A. § 39-16-105, may be found guilty of a Class C felony. Offenses under this statute relevant to public officials are selling, resigning, vacating, or refusing to qualify and enter upon the duties of the office for pecuniary gain, or entering into any kind of borrowing or selling for anything of value with regard to the office.

e. Exceptions to 1, 3, and 4, above include lawful contributions to political campaigns, and a "trivial benefit" that is "incidental to personal, professional, or business contacts" in which there is no danger of undermining an official's impartiality.

6. Official misconduct, official oppression, misuse of official information.

a. Public misconduct offenses under Tennessee Code Annotated § 39-16-401 through § 39-16-404 apply to officers, elected officials, employees,

candidates for nomination or election to public office, and persons performing a governmental function under claim of right even though not qualified to do so.

b. Official misconduct under Tennessee Code Annotated § 39-16-402 pertains to acts related to a public servant's office or employment committed with an intent to obtain a benefit or to harm another. Acts constituting an offense include the unauthorized exercise of official power, acts exceeding one's official power, failure to perform a duty required by law, and receiving a benefit not authorized by law. Offenses under this section constitute a Class E felony.

c. Under Tennessee Code Annotated § 39-16-403, "Official oppression," a public servant acting in an official capacity who intentionally arrests, detains, frisks, etc., or intentionally prevents another from enjoying a right or privilege commits a Class E felony.

d. Tennessee Code Annotated § 39-16-404 prohibits a public servant's use of information attained in an official capacity, to attain a benefit or aid another which has not been made public. Offenses under the section are Class B misdemeanors.

e. A public servant convicted for any of the offenses summarized in sections 2-4 above shall be removed from office or discharged from a position of employment, in addition to the criminal penalties provided for each offense. Additionally, an elected or appointed official is prohibited from holding another appointed or elected office for ten (10) years. At-will employees convicted will be discharged, but are not prohibited from working in public service for any specific period. Subsequent employment is left to the discretion of the hiring entity for those employees. Tennessee Code Annotated § 39-16-406.

## 7. Ouster law.

Some Tennessee city charters include ouster provisions, but the only general law procedure for removing elected officials from office is judicial ouster. Cities are entitled to use their municipal charter ouster provisions, or they may proceed under state law.

The judicial ouster procedure applies to all officers, including people holding any municipal "office of trust or profit." (Note that it must be an "office" filled by an "officer," distinguished from an "employee" holding a "position" that does not have the attributes of an "office.") The statute makes any officer subject to such removal "who shall knowingly or willfully misconduct himself in office, or who shall knowingly or willfully neglect to perform any duty enjoined upon such officer by any of the laws of the state, or who shall in any public place be in a state of intoxication produced by strong drink voluntarily taken, or who shall

engage in any form of illegal gambling, or who shall commit any act constituting a violation of any penal statute involving moral turpitude” (T.C.A. § 8-47-101).

T.C.A. § 8-47-122(b) allows the taxing of costs and attorney fees against the complainant in an ouster suit if the complaint subsequently is withdrawn or deemed meritless. Similarly, after a final judgment in an ouster suit, governments may order reimbursement of attorney fees to the officer targeted in a failed ouster attempt (T.C.A. § 8-47-121).

The local attorney general or city attorney has a legal “duty” to investigate a written allegation that an officer has been guilty of any of the mentioned offenses. If he or she finds that “there is reasonable cause for such complaint, he shall forthwith institute proceedings in the Circuit, Chancery, or Criminal Court of the proper county.” However, with respect to the city attorney, there may be an irreconcilable conflict between that duty and the city attorney’s duties to the city, the mayor, and the rules of professional responsibility governing attorneys. Also, an attorney general or city attorney may act on his or her own initiative without a formal complaint (T.C.A. § 8-47-101–102). The officer must be removed from office if found guilty (T.C.A. § 8-47-120).



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