

**ORDINANCE 23-01**

**AN ORDINANCE OF THE CITY OF SPRING HILL, TENNESSEE, ENACTING AND ADOPTING A SUPPLEMENT (S-4) TO THE CODE OF ORDINANCES**

**WHEREAS**, the City of Spring Hill Board of Mayor and Aldermen adopted an updated Municipal Code completed by American Legal Publishing Corporation on September 18, 2017 and approved supplements 2018 S-1, 2019 S-2, and 2020 S-3; and

**WHEREAS**, American Legal Publishing Corporation has completed the fourth supplement, 2022 S-4 Supplement to the Code of Ordinances of the City of Spring Hill, Tennessee, which supplement contains all Ordinances of a general and permanent nature enacted since the prior codification; and

**WHEREAS**, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect upon approval.

**NOW, THEREFORE, BE IT BE ORDAINED BY THE CITY OF SPRING HILL, TENNESSEE, BOARD OF MAYOR AND ALDERMEN:**

Section 1. That 2022 S-4 Supplement to the Code of Ordinances of the City of Spring Hill, Tennessee as submitted by American Legal Publishing Corporation, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

Section 2. Such Supplement shall be deemed published as of the day of its adoption and approval by the Board of Mayor and Aldermen and the City Recorder is hereby ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the City Recorder.

**Passed and adopted by the Board of Mayor and Alderman of the City of Spring Hill on this 17<sup>th</sup> day of January 2023.**

  
\_\_\_\_\_  
Jim Hagaman, Mayor

ATTEST:

  
\_\_\_\_\_  
April Goad, City Recorder

LEGAL FORM APPROVED:

  
\_\_\_\_\_  
Patrick M. Carter, City Attorney

Passed on First Reading: 01-03-2023

Passed on Second Reading: 01-17-2023



**REQUEST:** *Approval of Ordinance 23-01*  
**SUBMITTED BY:** April Goad, City Recorder  
**DATE:** January 3, 2023  
**RE:** 2022 Supplement S-4, Code of Ordinances  
**ATTACHMENTS:** Ordinance 23-01, 2022 S-4 Supplement

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**PURPOSE:**

The Spring Hill Municipal Code must be updated to include ordinances passed after previous codification. If approved, this will update the Spring Hill Municipal Code through Ordinance 22-17.

**BACKGROUND:**

The Board of Mayor and Aldermen approved a Municipal Code update by American Legal Publishing LLC in September 2017, with the option of periodical updates. The first update was 2018 S-1, adopted in February 2019, the second update was 2019 S-2 adopted June 2020 and the third was adopted on June 21, 2021.

**FINANCIAL IMPACT:**

The cost for the update is approximately \$3,500.00 and is included in the current budget.

**STAFF RECOMMENDATION:**

Staff recommends approval of 2022 S-4 Supplement to the City of Spring Hill Code of Ordinances as authorized by adoption of Ordinance 23-01.

**ACTION REQUIRED (INCLUDE DEADLINE /PRIORITY):**

Approval of Ordinance 23-01, requiring two readings.

**SPRING HILL, TENNESSEE**  
**Instruction Sheet**  
**2022 S-4 Supplement**

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# **CITY OF SPRING HILL, TENNESSEE**

## **CODE OF ORDINANCES**

2022 S-4 supplement contains:  
Local legislation current through 22-17, passed 6-20-2022

AMERICAN LEGAL PUBLISHING CORPORATION

525 Vine Street, Suite 310 Cincinnati, Ohio 45202 (800) 445-5588

**ORDINANCE 21-12**

**AN ORDINANCE OF THE CITY OF SPRING HILL, TENNESSEE, ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES**

**WHEREAS**, the City of Spring Hill Board of Mayor and Aldermen adopted an updated Municipal Code completed by American Legal Publishing Corporation on September 18, 2017 and approved supplements 2018 S-1 and 2019 S-2; and

**WHEREAS**, American Legal Publishing Corporation has completed the third supplement, 2020 S-3 Supplement to the Code of Ordinances of the City of Spring Hill, Tennessee, which supplement contains all Ordinances of a general and permanent nature enacted since the prior codification; and

**WHEREAS**, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect upon approval.

**NOW, THEREFORE, BE IT BE ORDAINED BY THE CITY OF SPRING HILL, TENNESSEE, BOARD OF MAYOR AND ALDERMEN:**

- Section 1. That 2020 S-3 Supplement to the Code of Ordinances of the City of Spring Hill, Tennessee as submitted by American Legal Publishing Corporation, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.
- Section 2. Such Supplement shall be deemed published as of the day of its adoption and approval by the Board of Mayor and Aldermen and the City Recorder is hereby ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the City Recorder.

Passed and adopted by the Board of Mayor and Alderman of the City of Spring Hill on this 21st day of June, 2021.

\_\_\_\_\_  
Jim Hagaman, Mayor

ATTEST:

\_\_\_\_\_  
April Goad, City Recorder

LEGAL FORM APPROVED:

Passed on First Reading: 05-17-2021

\_\_\_\_\_  
Patrick M. Carter, City Attorney

Passed on Second Reading: 06-21-2021

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## CHAPTER 1: BOARD OF MAYOR AND ALDERMEN

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- 1-104 Election date
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- 1-106 Compensation of Aldermen
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### **Charter reference:**

*For specific charter provisions related to the Board of Mayor and Aldermen, see the following sections:*

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- Duties of Mayor, see § 6-3-106*
- Election of the Board, see § 6-3-101*
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### **Statutory reference:**

*Charter provisions related to the Board of Mayor and Aldermen, see Tenn. Code Ann. Title 6, Ch. 3*

### **§ 1-101 TIME AND PLACE OF REGULAR MEETINGS.**

The Board of Mayor and Aldermen shall hold regular monthly meetings at 6:00 p.m. on the first and third Monday of each month at City Hall.  
(2011 Code, § 1-101) (Ord. 21-01, passed 1-19-2021; Ord. 21-23, passed 10-18-2021)

### **§ 1-102 ORDER OF BUSINESS.**

At each meeting of the Board of Mayor and Aldermen, the following regular order of business shall be observed unless dispensed with by a majority vote of the members present:

(a) Any such matter may be brought before the Board if a petition signed by five members of the Board requesting such action is filed with the Recorder 72 hours prior to a meeting of the Board of Mayor and Aldermen.

(b) If any such matter brought before the Board by petition fails to get a majority vote of the Board, then the same matter cannot be brought back for reconsideration for a period of one year.

(c) If the Mayor, in his or her discretion, deems that extraordinary circumstances require a matter to be reconsidered, he or she may move that the matter be brought before the Board by motion. If such motion is passed by a majority of the members present, the matter may be considered by the Board.

(2) There is further established as a rule of order of the Board of Mayor and Aldermen that no matter may be placed upon the agenda of any of its meetings, except by the Mayor, an Aldermen, the Recorder or the City Attorney.  
(2011 Code, § 1-103) (Ord. 02-21, passed 9- -2002)

#### **§ 1-104 ELECTION DATE.**

Pursuant to Tenn. Code Ann. § 6-3-104, the date of the city's municipal elections is hereby changed from the second Saturday in May to the second Thursday in April. This new election date shall not become effective until the year 1995, as also provided in Tenn. Code Ann. § 6-3-104.  
(2011 Code, § 1-104)

#### **§ 1-105 TERMS OF MAYOR AND ALDERMEN.**

(A) The staggered two-year terms presently in effect for Aldermen shall be changed to staggered four-year terms, which shall take effect at the next regular election.

(B) At the regular election scheduled for the year 1999, four Aldermen, one from each ward, shall be elected for four-year terms. Thereafter, municipal elections shall be conducted every two years at which time four Aldermen, one from each ward, shall be elected for a four-year term.

(C) The term of the Mayor of the city shall be for a period of four years commencing at the next regular election in the year 2001. In 2001 and thereafter, a Mayor will be elected every four years.

(D) The terms of Mayor and Aldermen shall commence and terminate on the third Monday of April following the elections commencing in 1999.  
(2011 Code, § 1-105) (Ord. 01-48, passed 12- -2001; Ord. 04-13, passed 6- -2004)

**TITLE 2: BOARDS, COMMISSIONS AND THE LIKE**

Chapter

1. **SOLID WASTE PLANNING REGION BOARD**
2. **PARKS AND RECREATION COMMISSION**
3. **BOARD OF CODE APPEALS**
4. **HISTORIC COMMISSION**

## CHAPTER 3: BOARD OF CODE APPEALS

### Section

- 2-301 Established
- 2-302 Authority
- 2-303 Membership
- 2-304 Qualifications
- 2-305 Term
- 2-306 Duties

### § 2-301 ESTABLISHED.

There is hereby established a Construction Board of Adjustments and Appeals, referred to in this chapter as the "Board", to hear appeals from a decision, notice, or order of the building official or his/her designee, enforcing provisions of the International Building Code, the International Plumbing Code, the International Mechanical Code, the International Gas Code, the International Residential Code, the International Energy Conservation Code, International Swimming Pool and Spa Code, the International Existing Building Code, and the International Property Maintenance Code, or as such codes and standards have been adopted and amended by ordinance.

(Ord. 22-16, passed 7-5-2022)

### § 2-302 AUTHORITY.

The authority of the Board is derived from and set forth in the currently adopted edition of the International Building Code.

(Ord. 22-16, passed 7-5-2022)

### § 2-303 MEMBERSHIP.

The membership of the Board shall consist of five members appointed by the Mayor. The Board of Mayor and Alderman may object and overturn an appointment by a two thirds vote.

(Ord. 22-16, passed 7-5-2022)

## CHAPTER 4: HISTORIC COMMISSION

### Section

- 2-401 Purposes
- 2-402 Creation; membership
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- 2-405 Powers and duties
- 2-406 Designation and protection of historically significant sites
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### § 2-401 PURPOSES.

The general intent of this Commission includes, among others, the following purposes:

(A) To promote the preservation and protection of the physical character and quality of life in the city;

(B) To promote the educational, cultural civic awareness and general welfare of the city while providing a sense of commitment and continuity between the past and present through the encouragement of preservation and protection of historically significant sites and structures; and

(C) To foster civic pride and historic recognition through the preservation of the city's heritage.  
(2011 Code, § 2-401) (Ord. 07-01, passed 4- -2007)

### § 2-402 CREATION; MEMBERSHIP.

(A) In order to encourage the intent of this division, there is hereby established an advisory board to be known as the Spring Hill Historic Commission. Such Commission shall consist of no less than five and not more than seven members.

(B) The members of such Commission shall be selected on the following basis:

(1) One member of such Commission shall be a member of the Board of Mayor and Aldermen appointed by the Mayor to serve a term consistent with their elected term of office.

(4) Comply with all appropriate regulations of Tennessee Code Annotated that apply to municipalities.

(C) At least three members shall constitute a quorum and the concurring vote of at least three members shall constitute a decision of the Commission on any matter before it.  
(2011 Code, § 2-403) (Ord. 07-01, passed 4- -2007)

**§ 2-404 CONFLICT OF INTEREST.**

Any member of the Historic Commission who shall have a direct or indirect interest in any property or issue which is the subject matter of, or affected by, a decision of the Commission shall be disqualified

## CHAPTER 1: CITY JUDGE

### Section

- 3-101 City Judge
- 3-102 Procedure for appointment of City Judge

#### § 3-101 CITY JUDGE.

The officer designated by the Charter to handle judicial matters within the city shall preside over the City Court and shall be known as the "City Judge".  
(2011 Code, § 3-101)

*Charter reference:*

*City Judge—City Court, see § 6-4-301*

#### § 3-102 PROCEDURE FOR APPOINTMENT OF CITY JUDGE.

(A) The Board of Mayor and Aldermen (BOMA) will appoint the City Judge with assistance from the City Attorney, City Administrator (or designee) and the Human Resource Director.

(B) Position announcement will be distributed through such organizations and publications as Williamson County Bar Association, Maury County Bar Association, Tennessee Municipal Attorneys Association, Tennessee Municipal Judges Conference, and Tennessee Town and City.

(C) Deadline for applications will be established and applications will be forwarded to Board of Mayor and Aldermen. Names of applicants will be posted on the city's website.

(D) BOMA will meet to review applications and determine candidates to interview.

(E) BOMA will interview selected applicants; interviews will be videotaped.

(F) The new city judge will be appointed by the BOMA by Resolution which will set start date, compensation, and term.  
(Ord. 22-17, passed 6-20-2022)

## CHAPTER 2: OCCUPATIONAL SAFETY AND HEALTH PROGRAM

### Section

4-201 Occupational Safety and Health Program adopted by reference

### **§ 4-201 OCCUPATIONAL SAFETY AND HEALTH PROGRAM ADOPTED BY REFERENCE.**

The city's Occupational Safety and Health Program regulations, and any and all amendments, are hereby adopted by reference and incorporated herein as if set out in full.

(Ord. 13-06, passed 3-18-2013; Ord. 20-17, passed 10-19-2020; Ord. 22-02, passed 2-7-2022)

## CHAPTER 4: EMPLOYEE HANDBOOK

### Section

4-401 Employee Handbook adopted by reference

#### **§ 4-401 EMPLOYEE HANDBOOK ADOPTED BY REFERENCE.**

The city's Employee Handbook, and any and all amendments, are hereby adopted by reference and incorporated herein as if set out in full.

(Ord. 11-02, passed 4-18-2011; Ord. 12-04, passed 4-16-2012; Ord. 12-13, passed 7-16-2012; Ord. 12-24, passed 1-22-2013; Ord. 13-31, passed 11-18-2013; Ord. 13-32, passed 11-18-2013; Ord. 15-11, passed 6-22-2015; Ord. 17-02, passed 2-21-2017; Ord. 17-14, passed 9-18-2017; Ord. 18-06, passed 3-19-2018; Ord. 18-07, passed 3-19-2018; Am. Ord. 20-18, passed 10-19-2020; Ord. 21-04, passed 4-19-2021; Ord. 21-05, passed 4-19-2021; Ord. 21-17, passed 8-2-2021; Ord. 21-18, passed 8-2-2021; Ord. 21-20, passed 9-7-2021; Ord. 22-08, passed 4-4-2022)

## CHAPTER 1: MISCELLANEOUS

### Section

- 5-101 Official depository for city funds
- 5-102 Expenditures
- 5-103 Credit and debit card payments made to the city

### § 5-101 OFFICIAL DEPOSITORY FOR CITY FUNDS.

Any bank or banks within the boundaries of Maury or Williamson Counties can be designated as a depository of municipal funds, in any sum or sums deemed appropriate for any banking need of the municipality.

(2011 Code, § 5-101)

*Statutory reference:*

*Specific charter provisions on depositories of municipal funds, see Tenn. Code Ann. § 6-4-402*

### § 5-102 EXPENDITURES.

All expenditures for any purpose shall be made ACH, bank draft, electronic funds transfer, wire transfer or by check. Checks must contain two signatures by two of the following: City Finance Director, City Recorder, City Administrator, Assistant City Administrator, Vice Mayor and/or Mayor. Expenditures for goods or services other than employees' wages or salaries shall be made only after receipt of a proper invoice and acknowledgment by the party receiving the goods or services and after approval by the Department Head, Finance Director and/or City Administrator.

(Ord. 22-04, passed 2-22-2022)

### § 5-103 CREDIT AND DEBIT CARD PAYMENTS MADE TO THE CITY.

(A) The city shall accept credit or debit card payments for any tax, license, fine, utility bill, fee, or other money due the city.

(B) Added to each credit or debit card payment is a processing fee equal to the amount paid to the city's third-party processor.

(C) A service charge of \$25 shall be imposed on any transaction that is not honored by the credit or debit card company issuing the card or entity upon which the funds are drawn, unless the card and

**§ 5-607 TAX LEVY.**

(A) There is hereby levied a tax on each person engaging in the business of development in the city, which tax is to be paid at the time the building permit is issued as provided in § 5-609 of this chapter, as follows:

- (1) One dollar per gross square foot of new residential development; and
- (2) Two dollars per gross square foot of new non-residential development.

(B) The tax shown in subsection (A) above shall be increased by 2.5% annually to account for inflation on January 1.

(C) Provided, however, that, the total fees herein imposed shall in no event exceed \$1 per gross square foot for residential development and \$2 per gross square foot of new non-residential development. (2011 Code, § 5-607) (Ord. 06-35, passed 5- -2006; Ord. 19-11A, passed 4-15-2019; Ord. 22-03B, passed 2-22-2022)

**§ 5-608 PROBATION OF ISSUANCE OF BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY.**

No building permit, nor certificate of occupancy, for new development in the city shall be issued unless and until the tax herein imposed has been paid in full by the person engaging in such new development, as provided in § 5-609 of this chapter. (2011 Code, § 5-608)

**§ 5-609 COLLECTION OF TAX.**

(A) Each applicant for a building permit for new development shall state, on a form provided by the city, the amount of gross square footage contained in the development for which the permit is sought.

(B) The city's Building Official shall calculate the tax due on the development and collect such tax in cash prior to acceptance of the application for the permit.

(C) In the event that a building permit is not required (or was issued prior to 4-1-1994) for the new development, the applicant for a certificate of occupancy shall state the amount of gross square footage contained in the development for which the certificate is sought, and the city's Building Official shall calculate the tax due on the development and collect such tax in cash prior to acceptance of the application for the certificate.

**§ 5-614 ADDITIONAL AUTHORITY.**

The city's adequate facilities tax on new development is in addition to all other authority the city may exercise to impose taxes, fees, assessments or other revenue raising or land development regulatory measures granted either by private or public acts of the state and the imposition of such tax, in addition to any other authorized tax, fee, assessment or charge, shall not be deemed to constitute double taxation. (2011 Code, § 5-614)

**§ 5-615 NON-REPEALER.**

The provisions of this chapter shall in no manner repeal, modify or interfere with the authority granted by any other public or private law applicable to the city. (2011 Code, § 5-615)

## CHAPTER 1: INTOXICATING LIQUORS

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### *Statutory reference:*

*Related provisions, see Tenn. Code Ann. Title 57*

### **§ 8-101 BUSINESS AND THE LIKE UNLAWFUL, EXCEPT UNDER CERTAIN REGULATIONS.**

(A) Pursuant to Tenn. Code Ann. Title 57, and a referendum held pursuant thereto in the city, this chapter is enacted.

(B) Words importing the masculine gender shall include the feminine and the neuter, and the singular shall include the plural.

(C) The term “federal license”, as used in this chapter, shall not mean tax receipt or permit.

(D) The term “person” shall include natural person, corporation, partnership, limited liability company and unincorporated association.

(2011 Code, § 8-102) (Ord. 21-30, passed 12-20-2021)

**§ 8-103 RESERVED.**

(2011 Code, § 8-103) (Ord. 14-09, passed 4-21-2014)

**§ 8-104 RESERVED.**

(2011 Code, § 8-104) (Ord. 14-09, passed 4-21-2014)

**§ 8-105 RESERVED.**

(2011 Code, § 8-105) (Ord. 21-30, passed 12-20-2021)

**§ 8-106 PROXIMITY TO SCHOOLS, PLACES OF WORSHIP AND THE LIKE.**

No license shall be granted for the operation of a retail store for the sale of intoxicating liquor when, the carrying on of such business at the premises covered by the application for a license is 200 feet to the nearest school, place of worship, or place of public gathering. The distance to be measured is straight line from the nearest corner of the store to the nearest corner of the school, place of worship, or place of public gathering. No permit shall be suspended, revoked or denied a permit to a business engaged in selling intoxicating liquor on the basis of the proximity of the business to a school, residence, church, or other place of public gathering if a valid permit had been issued to any business on that same location.

(2011 Code, § 8-106) (Ord. 21-30, passed 12-20-2021)

**§ 8-107 NUMBER OF LICENSES TO BE DETERMINED BY POPULATION.**

No more than one license may be issued for each 8,000 in population that has been determined by a certified census count.

(2011 Code, § 8-107) (Ord. 04-28, passed 11- -2004; Ord. 21-30, passed 12-20-2021; Ord. 22-05, passed 3-7-2022)

**§ 8-110 DISPLAY OF LICENSE.**

Any person granted a license to carry on any of the businesses or undertakings contemplated by this chapter shall, before being qualified to do business, display and post, and keep in the most conspicuous place on the premises, such license and shall promptly procure and keep at the place of business a copy of the rules and regulations promulgated by the commission.

(2011 Code, § 8-110) (Ord. 21-30, passed 12-20-2021)

**§ 8-111 RESERVED.**

(2011 Code, § 8-111) (Ord. 21-30, passed 12-20-2021)

**§ 8-112 RESERVED.**

(2011 Code, § 8-112) (Ord. 21-30, passed 12-20-2021)

**§ 8-113 RESERVED.**

(2011 Code, § 8-113) (Ord. 21-30, passed 12-20-2021)

**§ 8-114 RESERVED.**

(2011 Code, § 8-114) (Ord. 21-30, passed 12-20-2021)

**§ 8-115 INSPECTION FEE.**

The City of Spring Hill hereby imposes an inspection fee in the maximum amount allowed by Tenn. Code Ann. § 57-3-501 on all licensed retailers of alcoholic beverages located within the corporate limits of the city.

(2011 Code, § 8-115) (Ord. 21-30, passed 12-20-2021)

**§ 8-116 REGULATIONS FOR PURCHASE AND SALE OF INTOXICATING LIQUORS.**

(A) It shall be unlawful for any person in the city to buy any intoxicating liquor from any person who does not hold the appropriate license under this chapter authorizing the sale of these beverages to him or her.

(D) 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 and between 10:00 a.m. and 11:00 p.m. on Sunday.

(E) No retailer shall sell, lend or give away any intoxicating liquor on Christmas, Thanksgiving, or Easter.

(F) No retailer shall keep or permit to be kept upon the licensed premises any alcoholic beverages in any unsealed bottles or other unsealed containers.  
(2011 Code, § 8-118) (Ord. 21-30, passed 12-20-2021)

**§ 8-119 RESERVED.**

(2011 Code, § 8-119) (Ord. 21-30, passed 12-20-2021)

**§ 8-120 RESERVED.**

(2011 Code, § 8-120) (Ord. 21-30, passed 12-20-2021)

**§ 8-121 VIOLATIONS AND PENALTY.**

Any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Upon conviction of any person under this chapter it shall be mandatory for the city/town judge to immediately certify the conviction, whether on appeal or not, to the Tennessee Alcoholic Beverage Commission.  
(2011 Code, § 8-121) (Ord. 21-30, passed 12-20-2021)

**§ 8-122 POSSESSION OF OPEN CONTAINERS.**

Visible possession of intoxicating liquors in an unsealed container upon any public street or within any governmental building shall be a violation of this chapter.  
(2011 Code, § 8-122) (Ord. 21-30, passed 12-20-2021)

**§ 8-127 CITY ADMINISTRATOR'S RESPONSIBILITY.**

It shall be the responsibility of the City Administrator to ensure that the city receives and distributes proceeds in accordance with Tennessee Code.

(2011 Code, § 8-125) (Ord. 21-30, passed 12-20-2021)

## CHAPTER 2: BEER

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### **Statutory reference:**

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

thereof to each Board member, and the Board may adjourn a meeting at any time to another time and place.

(2011 Code, § 8-205) (Ord. 21-22, passed 12-20-2021)

#### **§ 8-206 RECORD OF BEER BOARD PROCEEDINGS TO BE KEPT.**

The Recorder shall act as Secretary and shall attend all meetings of the Beer Board. This Secretary shall make a record of the proceedings of the Beer Board which shall be a public record and shall contain the dates of meetings; the names of the members present and absent; in cases of hearings before the Beer Board, a record of evidence introduced and testimony heard before the Board; the provision of each permit issued by the Board as to whether it is a permit for sale for off-premises consumption or for sale for on-premises consumption. The Secretary shall also maintain a current list of the names and addresses of all holders of beer permits.

(2011 Code, § 8-206) (Ord. 21-22, passed 12-20-2021)

#### **§ 8-207 REQUIREMENTS FOR BEER BOARD QUORUM AND ACTION.**

The attendance of at least a majority of the members of the Board shall be required to constitute a quorum for the purpose of transacting business. Matters before the Board shall be decided by a majority of the members present if a quorum is constituted. Any member present, but not voting, shall be deemed to have cast a "nay" vote.

(2011 Code, § 8-207) (Ord. 21-22, passed 12-20-2021)

#### **§ 8-208 POWERS AND DUTIES OF THE BEER BOARD.**

(A) The Beer Board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale and manufacturing of beer within this municipality in accordance with the provisions of this chapter.

(B) The Beer Board is hereby given broad powers of investigation, and it shall have the authority to inspect the premises of any applicant and, at all reasonable hours, may investigate the premises of all permit holders.

(2011 Code, § 8-208) (Ord. 21-22, passed 12-20-2021)

#### **§ 8-209 PERMIT REQUIRED FOR ENGAGING IN THE BEER BUSINESS; TERM OF PERMIT.**

(A) (1) No person shall engage in the storing, selling, distributing or manufacturing of beer or other beverages of like alcoholic content within the corporate limits of the city until he or she shall

(C) At such hearing, the burden of proof shall be upon the holder of the permit to establish the truth of each statement and representation made in his or her application.  
(2011 Code, § 8-211) (Ord. 21-22, passed 12-20-2021)

**§ 8-212 APPLICATION REQUIREMENTS.**

(A) Each application must explicitly and affirmatively state:

- (1) The location of the premises at which the business shall be conducted;
- (2) The owner or owners of such premises and the terms of any lease or agreement pertaining thereto;
- (3) The names and addresses of all other persons or firms who have any financial interests whatsoever in the beer business proposed to be established;
- (4) Whether the applicant will operate the business in person or by agent and, if by agent, the name and address of such agent;
- (5) No person will be employed in the storage, sale or manufacture of such beverages who has been convicted within the past ten years of any law against possession, sale, manufacture or transportation of intoxicating liquor or any crime involving moral turpitude;
- (6) The applicant will not engage in the sale of such beverages, except at the place or places for which the Beer Board has issued a permit or permits to such applicant;
- (7) No sale of such beverages will be made, except in accordance with the permit granted;
- (8) If the application is for a permit to sell for consumption off the premises, that no sale shall be made for consumption on the premises and that no consumption will be allowed on the premises thereof;
- (9) No sale will be made to minors, and that the applicant will not permit minors or disorderly, intoxicated or disreputable persons to loiter around the place of business;
- (10) The applicant will be responsible for any gambling on its premises and its permit subject to revocation by reason of the same. The applicant will not allow, nor has allowed, its place of business to become a public nuisance or a nuisance to law enforcing agencies of the city, nor that it has, or will, create a nuisance;

(C) 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 or her permit or application therefor.  
(2011 Code, § 8-213) (Ord. 21-22, passed 12-20-2021)

**§ 8-214 PERMITS NOT TRANSFERABLE.**

(A) Beer permits shall not be transferable from one person to another or from one location to another.

(B) A new permit is required in the manner provided herein when a holder disposes of his or her business or transfers to another location.  
(2011 Code, § 8-214) (Ord. 21-22, passed 12-20-2021)

**§ 8-215 DISPLAY OF PERMIT.**

The permit required by this chapter shall be posted in a conspicuous place on the premises of the permit holder, together with all other permits, licenses and stamps as required by law.  
(2011 Code, § 8-215) (Ord. 21-22, passed 12-20-2021)

**§ 8-216 RESTRICTIONS ON PERMITS THAT WOULD CAUSE CONGESTION OR INTERFERE WITH PUBLIC HEALTH, SAFETY AND MORALS.**

(A) No permit authorizing the sale of beer will be issued when such business is within 200 feet, measured from the nearest building corner of the premises to the nearest building corner of any schools.

(B) No permit shall be issued which would interfere with the public health, safety and morals, or would cause congestion of traffic.  
(2011 Code, § 8-216) (Ord. 09-21, passed 6--2009; Ord. 12-17, passed 8-20-2012; Ord. 21-22, passed 12-20-2021))

**§ 8-217 FURTHER RESTRICTIONS ON THE ISSUANCE OF PERMITS.**

(A) No permit shall be issued to any person who has been convicted of violating laws against possession, sale, manufacture or transportation of intoxicating liquors or any crime involving moral turpitude within the past ten years.

(B) The Board, in its discretion, may refuse to issue a permit for any place of business which in the period immediately preceding the application for a permit, was operated in such a manner as to create

penalty under the general penalty clause for this code; if 17 years of age or less, he or she shall be taken before the juvenile judge for appropriate proceedings.  
(2011 Code, § 8-220) (Ord. 21-22, passed 12-20-2021)

**§ 8-221 INVESTIGATION OF APPLICANTS, AGENTS AND/OR EMPLOYEES.**

Applicants for, and holders of, retail permits under this chapter and their agents or employees are subject to be investigated by any municipal, county or state authorities, including members of the Beer Board, and must submit such information and records as the Beer Board may require.  
(2011 Code, § 8-221) (Ord. 21-22, passed 12-20-2021)

**§ 8-222 PROHIBITED CONDUCT OR ACTIVITIES BY BEER PERMIT HOLDERS.**

It shall be unlawful for any beer permit holder to:

(A) Employ any person who, within the previous ten years, has been convicted of any law against possession, sale, manufacture or transportation of intoxicating liquors or any crime involving moral turpitude;

(B) Employ any minor in the sale or dispensing of beer at retail for consumption on the premises. The holder of a beer permit shall be held strictly accountable for the violation of this provision and the burden of ascertaining the age of any minor shall be upon the holder and operator of such place of business;

(C) Make or allow any sale of beer, or make, cause or allow to be made any gift thereof, between the hours of 3:00 a.m. and 6:00 a.m. during any night of the week and the hours of 3:01 a.m. and 12:00 on Sunday;

(D) Allow any loud, unusual or obnoxious noises to emanate from his or her premises;

(E) Make or allow any sale of beer, or make, cause or allow to be made any gift thereof to a minor, or permit such sale by any employee or any person in any way connected with his or her place of business. The holder of a beer permit shall be held strictly accountable for the violation of this provision and the burden of ascertaining the age of any customer shall be upon the owner or operator of such place of business and he or she shall be held strictly accountable for all acts of his or her employees;

(F) Allow any minor to loiter in his or her place of business. The burden of ascertaining the age of any person shall be upon the owner or operator of such place of business and he or she shall be held strictly accountable for any actions of his or her employees for the violation of this provision;

before the date of the hearing. The permit holder is required to be present in person to answer the charges and the failure of the permit holder to appear in person will result in the immediate suspension of the beer permit until such time as the permit holder does appear before the Beer Board in person. At the hearing, the Board shall publicly hear the evidence both in support of the charges and on behalf of the permit holder. After such hearing, the Board may, in its discretion, suspend or revoke said permit. The action of the Board in all such hearings shall be final, subject to review by the courts as provided in the state's Beer Law.

(C) At any hearing held pursuant to this chapter for the suspension or revocation of a beer permit, the hearing shall be broad in character and evidence may be heard upon any facts or circumstances pertinent to or applicable to the charges made in the complaint.

(D) Pursuant to Tenn. Code Ann. § 57-5-608, the Beer Board shall not revoke or suspend the permit of a "responsible vendor" qualified under the requirements of Tenn. Code Ann. § 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 Tenn. Code Ann. § 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 12-month period. The revocation shall be for three years.  
(2011 Code, § 8-223) (Ord. 04-10, passed 5- -2004; Ord. 21-22, passed 12-20-2021)

#### **§ 8-224 CITY BUSINESS LICENSE.**

Each applicant granted a permit to sell any beverage coming within the provisions of this chapter shall, before engaging in such sale, secure from the City Recorder a city business license as provided in the Tennessee Code Annotated.  
(2011 Code, § 8-224) (Ord. 21-22, passed 12-20-2021)

#### **§ 8-225 RESERVED.**

(2011 Code, § 8-225) (Ord. 21-22, passed 12-20-2021)

#### **§ 8-226 CIVIL PENALTY IN LIEU OF REVOCATION OR SUSPENSION.**

(A) 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 \$2,500 for each

**§ 8-230 PRIVILEGE TAX.**

(A) There is hereby imposed on the business of selling, distributing, storing or manufacturing beer within the city an annual privilege tax of \$100. Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit this fee on 1-1-1994, and each successive January 1 thereafter, to the Recorder of the city. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date.

(B) The privilege tax hereby imposed shall be addition to any and all other privilege taxes to which the holder of beer permits are subject.

(2011 Code, § 8-230) (Ord. 21-22, passed 12-20-2021)

## CHAPTER 7: HOTEL OR MOTEL OCCUPANCY PRIVILEGE TAX

### Section

- 9-701 Definitions
- 9-702 Permit required
- 9-703 Not transferable
- 9-704 Duration
- 9-705 Register required; availability for inspection
- 9-706 Rooms to be numbered
- 9-707 Privilege tax levied; use
- 9-708 Payment of the tax
- 9-709 Compensation to the hotel
- 9-710 Interest and penalty for late payment
- 9-711 Monthly tax return and annual audit
- 9-712 Records requirement

### § 9-701 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CONSIDERATION.** The consideration charged, whether or not received, for the occupancy in a hotel valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged to or received from any person.

**HOTEL and/or MOTEL.** Any structure or space, or any portion thereof, that is occupied or intended or designed for occupancy by transients for dwelling, lodging, or sleeping purposes, and includes privately, publicly, or government-owned hotels, inns, tourist camps, tourist courts, tourist cabins, motels, short-term rental units, primitive and recreational vehicle campsites and campgrounds, or any place in which rooms, lodgings or accommodations are furnished to transients for consideration.

**MUNICIPALITY.** An incorporated city or town or a county, but does not include a county with a metropolitan form of government.

**§ 9-705 REGISTER REQUIRED; AVAILABILITY FOR INSPECTION.**

Every person to whom a permit is issued under this chapter shall at all times keep a standard hotel register, in which shall be inscribed the names of all guests renting or occupying rooms in the hotel. Such register shall be signed in every case by the person renting a room or by someone under his direction and after registration is made and the name of the guest if inscribed as herein provided, the manager shall write the number of the room such 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 Administrator or his or her designee.  
(Ord. 21-19B, passed 8-16-2021)

**§ 9-706 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 doors shall bear the same number.  
(Ord. 21-19B, passed 8-16-2021)

**§ 9-707 PRIVILEGE TAX LEVIED; USE.**

(A) Pursuant to the provisions of Tenn. Code Ann. § 67-4-1401 et seq, and specifically 567-4-1402 as amended by Public Chapter 496, there is hereby levied a privilege of occupancy tax in any hotel of each transient. From and after the operative date of this chapter the rate of the levy shall be 4% of the consideration charged by the operator. This privilege tax shall be collected pursuant to and subject to the provisions of state law. The City Administrator or his/her designee shall be designated the authorized collector to administer and enforce this chapter.

(B) The proceeds received from this tax must be allocated to and placed in the general fund or other fund of the city and used exclusively for the promotion of Tourism and Tourism Development.  
(Ord. 21-19B, passed 8-16-2021)

**§ 9-708 PAYMENT OF THE TAX.**

Payment of the tax by the hotel to the city shall be no later than the 20th day of each month for the preceding month.  
(Ord. 21-19B, passed 8-16-2021)

## CHAPTER 8: MISCELLANEOUS

### Section

- 11-801 Abandoned refrigerators and the like
- 11-802 Caves, wells, cisterns and the like
- 11-803 Posting notices and the like
- 11-804 Reserved
- 11-805 Smoking and vaping in public parks
- 11-806 Civil emergency violations

#### **§ 11-801 ABANDONED REFRIGERATORS AND THE LIKE.**

It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused or discarded refrigerator, icebox or other container with any type latching or locking door without first removing therefrom the latch, lock or door.  
(2011 Code, § 11-801)

#### **§ 11-802 CAVES, WELLS, CISTERNS AND THE LIKE.**

It shall be unlawful for any person to permit to be maintained on property owned or occupied by him or her any cave, well, cistern or other such opening in the ground which is dangerous to life and limb without an adequate cover or safeguard.  
(2011 Code, § 11-802)

#### **§ 11-803 POSTING NOTICES AND THE LIKE.**

No person shall fasten, in any way, any show-card, poster or other advertising device upon any public or private property unless legally authorized to do so.  
(2011 Code, § 11-803)

#### **§ 11-804 RESERVED.**

## CHAPTER 4: ALARM SYSTEMS

### Section

- 13-401 Purpose
- 13-402 Definitions
- 13-403 Administration; funding; increases in fees and fines; annual evaluation
- 13-404 Alarm registrations required; terms; fees and fee collection
- 13-405 Registration application; contents
- 13-406 Transfer of registration
- 13-407 Duties of alarm users
- 13-408 Audible alarms; restrictions, abatement of malfunctioning alarm
- 13-409 Duties of alarm installation companies and monitoring companies
- 13-410 Duties and authority of the Alarm Administrator
- 13-411 False alarm fines; fees; late charges
- 13-412 Notice to alarm users of false alarms and suspension of a police response
- 13-413 Alarm registration suspension, fees, fines, violation to make alarm dispatch request for suspended alarm site
- 13-414 Appeals of determinations regarding alarm registrations, fees and fines
- 13-415 Reinstatement of suspended alarm registrations
- 13-416 Police Department response
- 13-417 Scope of police duty; immunities preserved
- 13-418 Fee and fine schedule for alarm systems

### § 13-401 PURPOSE.

The City of Spring Hill finds and declares that:

(A) The vast majority of alarms to which the Police and Fire Departments respond are false alarms, which are reported to the dispatch center by alarm companies.

(B) Most false alarms are the result of improper maintenance or improper or careless use of an alarm system.

(C) The public, police and fire personnel are subjected to needless danger when they are called to respond to false alarms.

(D) Personnel responding to false alarms are not available to carry out other duties.

**ALARM SITE.** A location served by one or more alarm systems. In a multi-unit building or complex, each unit shall be considered a separate alarm site if served by a separate alarm system. In a single unit building that houses two or more separate businesses with separate alarm systems, each business will be considered a separate alarm site.

**ALARM SYSTEM.** A device or series of devices, which emit or transmit an audible or remote visual or electronic alarm signal, which is intended to summon police and/or fire response. The term includes hardwired systems, surveillance cameras and systems interconnected with a radio frequency method such as cellular or private radio signals, and includes local alarm systems, but does not include an alarm installed in a motor vehicle or a system which will not emit a signal either audible or visible from the outside of the building, residence or beyond, but is designed solely to alert the occupants of a building or residence.

**ALARM USER.** Any person who has contracted for monitoring, repair, installation or maintenance service for an alarm system from an alarm installation company or monitoring company, or who owns or operates an alarm system which is not monitored, maintained or repaired under agreement.

**ALARM USER AWARENESS CLASS.** A class conducted for the purpose of educating alarm users about the responsible use, operation, and maintenance of alarm systems and the problems created by false alarms.

**APPEALS ADMINISTRATOR.** The person designated by the city to handle appeals.

**ARMING STATION.** A device that controls an alarm system.

**AUTOMATIC VOICE DIALER.** Any electronic, mechanical, or other device which, when activated, is capable of being programmed to send a prerecorded voice message to the dispatch center requesting an officer dispatch to an alarm site.

**BURGLAR ALARM.** An alarm intended to identify the presence of an intruder in either a business or residence.

**BOMA.** The City of Spring Hill Board of Mayor and Alderman.

**CANCELLATION.** The termination of a police and/or fire response to an alarm site after an alarm dispatch request is made but before an officer's arrival at the alarm site.

**CONVERSION OF ALARM USER.** The transaction or process by which one alarm installation company or monitoring company begins the servicing or monitoring of a previously unmonitored alarm system or an alarm system that was previously serviced or monitored by another alarm company.

**CITY.** City of Spring Hill.

**POLICE DEPARTMENT.** The Spring Hill Police Department.

**PROTECTIVE OR REACTIVE ALARM SYSTEM.** An alarm system that produces a temporary disability or sensory deprivation through use of chemical, electrical, sonic or other means, including use of devices that obscure or disable a person's vision.

**REGISTRATION NUMBER.** A unique individual number assigned to an alarm user as part of alarm registration issued by the alarm administrator.

**RESPONSIBLE PARTY.** A person capable of appearing at the alarm site upon request who has access to the alarm site, the code to the alarm system and the authority to approve repairs to the alarm system.

**ROBBERY ALARM.** An alarm signal generated by the manual or automatic activation of a device, or any system, device or mechanism on or near the premises intended to signal that a robbery is in progress and that a person needs immediate police assistance in order to avoid bodily harm, injury or death. The term has the same general meaning as holdup alarm or duress alarm.

**TAKEOVER.** The transaction or process by which an alarm user Takes over control of an existing alarm system that was previously controlled by another alarm user.

**ZONES.** A division of devices into which an alarm system is divided to indicate the general location from which an alarm system signal is transmitted.  
(Ord. 22-11, passed 6-6-2022)

**§ 13-403 ADMINISTRATION; FUNDING; INCREASES IN FEES AND FINES; ANNUAL EVALUATION.**

(A) Responsibility for administration of this chapter is vested with the Police Department.

(B) The Police Department shall designate an alarm administrator to carry out the duties and functions described in this section.

(C) Monies generated by fees and fines assessed pursuant to this section shall be deposited into the city's general fund.

(D) The amount of the fees and fines set forth in this section shall be specified in the City fee schedule, which may only be revised by a duly-adopted resolution of BOMA. For purposes of this division, "fees" include any type or class of fee and includes late charges.

(F) *Late charge.* Alarm users who fail to make payment for an alarm registration prior to the registration's expiration date will be assessed a late charge as established by resolution of BOMA.

(G) *Refunds.* No refund of a registration fee or registration renewal fee will be made.

(H) Upon receipt of a completed Alarm registration application form and the alarm registration fee, the alarm administrator shall issue a registration number or alarm registration renewal to the applicant unless:

(1) The applicant has failed to pay any fee or fine assessed under this chapter; or

(2) An alarm registration for the alarm site has been suspended, and the condition causing the suspension has not been corrected; or

(3) Any false statement of a material fact made by an applicant for the purpose of obtaining an alarm registration shall be sufficient cause for refusal to issue an alarm registration.

(I) *Exceptions.*

(1) Government entities, including but not necessarily limited to the city, county, state, federal and school districts, must obtain alarm registrations for all alarm systems on property under their control within the boundaries of Spring Hill, but are exempt from payment of alarm registration and renewal fees.

(2) All registration-fee-exempted alarm sites are required to obtain and maintain a valid alarm registration for a police response and are subjected to all other fees, fines and suspension enforcements, except when this action is prohibited by statute or through a court ruling. (FEDERAL SITES ARE EXEMPTED FROM ALL FEES AND FINES)  
(Ord. 22-11, passed 6-6-2022)

**§ 13-405 REGISTRATION APPLICATION; CONTENTS.**

(A) An application for an alarm registration must be complete on-line through the alarm management portal in a format provided by the Police Department.

(B) Registration applicants acknowledge that the police and/or fire response may be influenced by factors including, but not limited to, the availability of officers, priority of calls, traffic conditions, weather conditions, emergency conditions, prior alarm history, administrative actions and staffing levels.  
(Ord. 22-11, passed 6-6-2022)

(B) No person shall operate or cause to be operated any automatic voice dialer which, when activated, uses a telephone device or attachment to automatically dial a telephone line leading into the Police Department or the city and then transmit any prerecorded message or signal.

(C) An alarm user shall keep a set of written operating instructions for each alarm system at each alarm site.  
(Ord. 22-11, passed 6-6-2022)

**§ 13-408 AUDIBLE ALARMS; RESTRICTIONS, ABATEMENT OF MALFUNCTIONING ALARM.**

(A) No alarm system shall emit a sound resembling an emergency vehicle siren or civil defense warning. The chief of police shall make the final determination regarding any question of an audible alarm within this section.

(B) After the effective date of this chapter no one shall install, modify or repair an alarm system in the City of Spring Hill that has a siren, bell or other signal that is audible from any property adjacent to the alarm site that sounds for longer than 15 consecutive minutes after the alarm is activated, or that repeats the 15-minute audible cycle more than two consecutive times during a single armed period.

(C) In the event that an audible alarm is activated and fails to reset itself or continues to activate for more than 60 minutes and the responsible person listed on the alarm registration or other responsible person cannot or will not respond and silence the alarm, and the continued activation of the alarm is creating a disturbance, the Police and/or Fire Department may cause the alarm to be silenced in a manner determined appropriate for the circumstances. The alarm user shall be held responsible for the actual costs involved to abate the malfunctioning alarm. The city, its employees or agents shall not be responsible or liable for damage resulting from such disconnection.  
(Ord. 22-11, passed 6-6-2022)

**§ 13-409 DUTIES OF ALARM INSTALLATION COMPANIES AND MONITORING COMPANIES.**

(A) Alarm installation companies shall:

(1) Upon the installation or activation of an alarm system, the alarm installation company shall distribute to the alarm user information summarizing:

- (a) How to prevent false alarms; and
- (b) How to operate the alarm system.

(6) Communicate the type of alarm activation (silent or audible, interior or perimeter), if available, on any alarm dispatch request.

(7) Notify the dispatch center of any alarm site that it knows, or reasonably should know has guard dog(s), pets or is fitted with a protective-reactive alarm system. During any alarm at such a site, a responsible party must be contacted and confirm that he or she will respond to the alarm site to disarm the device or take control of the guard dog(s).

(8) After an alarm dispatch request, promptly advise the Police and/or Fire Department if the monitoring company knows that the alarm user or a responsible party is on the way to the alarm site.

(9) Each monitoring company shall, upon request, immediately provide the Police and/or Fire Department with the names and phone numbers of the alarm user's emergency contacts at the time of each alarm dispatch request.

(C) *Conversion of alarm users.* An alarm installation company or monitoring company that converts the servicing of any alarm system account from another company shall notify the alarm user of such conversion.

(Ord. 22-11, passed 6-6-2022)

#### § 13-410 DUTIES AND AUTHORITY OF THE ALARM ADMINISTRATOR.

(A) The alarm administrator shall establish a procedure to acquire and record information on alarm dispatch requests.

(B) The alarm administrator shall establish and implement a procedure to notify the alarm user of a false alarm. The notice shall include the following:

(1) The date and time of response to the false alarm; and

(2) Any false alarm fine incurred.

(C) The alarm administrator may require that a conference be held with an alarm user responsible for the alarm system to review the circumstances of each false alarm. Failure to participate may result in suspension of the alarm registration, as indicated by the facts of the case.

(D) If a false robbery, holdup or panic alarm has occurred and the alarm was triggered using a single action, non-recessed device, the alarm administrator may consider a waiver or partial waiver of the false alarm fine, if action is taken by the alarm user to remove or replace the single action, non-recessed device.

**§ 13-412 NOTICE TO ALARM USERS OF FALSE ALARMS AND SUSPENSION OF A POLICE RESPONSE.**

(A) The alarm administrator shall notify the alarm user in writing or by other electronic means after each false alarm. The notice shall include the amount of the fine for the false alarm, the fact that police response to further alarms may be suspended after the sixth false alarm during the alarm user's one-year alarm registration period, (excluding duress, robbery, holdup and panic alarms), and that the alarm user has the right to appeal.

(B) The alarm administrator shall notify the alarm user in writing 30 days beforehand that a Police Department response to further alarms is to be suspended. The right of appeal under this chapter shall be included with the notice. The notice of suspension shall also include the amount of any fees and/or fines due and a description of the reinstatement process.

(Ord. 22-11, passed 6-6-2022)

**§ 13-413 ALARM REGISTRATION SUSPENSION, FEES, FINES, VIOLATION TO MAKE ALARM DISPATCH REQUEST FOR SUSPENDED ALARM SITE.**

(A) The alarm administrator shall notify the Police Department of each alarm user whose alarm registration qualifies for suspension under this section. The alarm administrator may suspend an alarm registration if it is determined that:

(1) There is a false statement of a material fact in the registration application; or

(2) The alarm user has had six or more false burglar alarms within the one-year registration period, except that the alarm administrator may waive a suspension of a registration upon receipt of documented work orders showing reasonable attempts to repair the alarm system prior to the notice of suspension.

(3) The alarm user fails or refuses to pay an alarm registration or alarm registration renewal fee, false alarm fine, late charge, or any other fee, fine, or charge assessed under this section.

(B) *False alarm fines under suspension status.* In addition to the fines set forth in § 13-411, a supplemental fine is hereby imposed upon any person operating a suspended burglar alarm system. The amount of said fines shall be established by resolution of BOMA set forth in § 13-418.

(C) It shall be the responsibility of the alarm user to notify their respective alarm monitoring company of their suspension status in order to cease any further alarm dispatch requests. An alarm user shall be held financially accountable for all false alarm fines incurred.

(D) Unless there is a separate indication that there is a crime in progress, the Police Department may or may not dispatch an officer to an alarm site for which an alarm registration is suspended.

(Ord. 22-11, passed 6-6-2022)

(B) The Police Chief or his or her designee may re-prioritize assignment of burglar alarms and response time at any time during a 24-hour period as may be necessary due to the service needs of the community.

(Ord. 22-11, passed 6-6-2022)

**§ 13-417 SCOPE OF POLICE DUTY; IMMUNITIES PRESERVED.**

The issuance of alarm registrations does not create a contract between the Police Department and/or the City of Spring Hill and any alarm user, alarm installation company or monitoring company, nor does it create a duty or obligation, either expressed or implied, on the Police Department to respond to any alarm. Any and all liability and consequential damage resulting from the failure of the Police Department to respond to an alarm dispatch request is hereby disclaimed and full governmental immunity as provided by law is retained. By applying for an alarm registration, the alarm user acknowledges that the Police Department response is influenced by the availability of personnel, priority of calls, traffic conditions, weather conditions, emergency conditions, staffing levels, prior response history and administrative actions.

(Ord. 22-11, passed 6-6-2022)

**§ 13-418 FEE AND FINE SCHEDULE FOR ALARM SYSTEMS.**

<b>FEES</b>	
Registration and Renewal	\$25.00
Appeal fees per request	\$25.00
<b>FINES</b>	
Registration late charge	\$25.00
Alarm fines late charge (All fees and fines late)	\$25.00
Reinstatement Fee	\$100.00
<b>POLICE DEPARTMENT RELATED ALARM FINES</b>	
Burglar False Alarm (First 3 false alarms are not fined for Registered Alarm Users)	<b>Registered Alarm</b> 4th Offense - \$50.00 5th Offense - \$75.00 6th Offense - \$100.00 7th Offense - Suspension

## CHAPTER 1: MUNICIPAL PLANNING COMMISSION

### Section

- 14-101 Creation and membership
- 14-102 Organization, powers, duties and the like
- 14-103 Additional powers

#### § 14-101 CREATION AND MEMBERSHIP.

(A) Pursuant to the provisions of Tenn. Code Ann. § 13-4-101, there is hereby created a Municipal Planning Commission, hereinafter referred to as the “Planning Commission”.

(B) The Planning Commission shall consist of seven members; two of these shall be the Mayor and another member of the Board of Mayor and Aldermen selected by the Board of Mayor and Aldermen; the other five members shall be appointed by the Mayor. All members of the Planning Commission shall serve as such without compensation. Except for the initial appointments, the terms of the five members appointed by the Mayor shall be for three years each. The first three members first appointed shall be appointed for terms of one, two and three, respectively; the other two members appointed shall be appointed for the same terms as the first and second members, respectively, so that the terms of two members expire one year for two consecutive years and the term of one member expires every third year. The terms of the Mayor and the member selected by the Board of Mayor and Aldermen shall run concurrently with their terms of office.

(C) Any vacancy in an appointive membership shall be filled for the unexpired term by the Mayor.

(D) The Mayor shall also have the authority to remove any appointed member at the Mayor’s discretion.

(2011 Code, § 14-101) (Ord. 14-25, passed 9-15-2014; Ord. 21-28, passed 11-15-2021)

#### § 14-102 ORGANIZATION, POWERS, DUTIES AND THE LIKE.

The Planning Commission shall be organized and shall carry out its powers, functions and duties in accordance with all applicable provisions of Tenn. Code Ann. Title 13.

(2011 Code, § 14-102)

## CHAPTER 1: WATER AND SEWERS

### Section

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- 18-103 Service provided without discrimination
- 18-104 Penalties and remedies
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- 18-106 Denial of service for non-payment of prior accounts
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- 18-122 Termination or interruption of service by city
- 18-123 Notice of proposed termination of service and right of hearing
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- 18-130 Connection required
- 18-131 Permit for connection required
- 18-132 Application for connection permit
- 18-133 Rejection of permit application

(B) To the extent authorized by law, the city may seek to enforce any of the provisions of this chapter through any appropriate equitable action.

(C) Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense and a misdemeanor punishable as provided in the general penalty clause for this code.

(D) If a violation of any of the provisions of this chapter results in a danger to the public health or safety, the city may, to the extent authorized by law, seek to have such violation treated as a nuisance and abated.

(E) The city may seek to enforce this chapter by using any one or any combination of the foregoing remedies.  
(2011 Code, § 18-104)

**§ 18-105 APPLICATION FOR SERVICE.**

(A) Application for water or sewer service shall be made at the office of the Recorder during normal business hours. Application shall be made on the forms prescribed, shall be made in the name of the customer who will be responsible for payment of bills, and shall be signed by the customer or by his or her authorized agent.

(B) An applicant must, in writing or in person, notify the Recorder at least three days in advance of the date requested for commencement of service.

(C) Except as provided in § 18-130(C) of this chapter, an application for service shall be accompanied by payment of the service initiation fee specified in § 18-108 and § 18-109 of this chapter. Service shall be refused until this fee has been paid.

(D) Under the circumstance set forth in §§ 18-144 and 18-145 of this chapter, an applicant for water or sewer service on lots previously connected in the water or sewer systems may be requested to pay availability fees.  
(2011 Code, § 18-105) (Ord. 21-14, passed 11-15-2021)

**§ 18-106 DENIAL OF SERVICE FOR NON-PAYMENT OF PRIOR ACCOUNTS.**

(A) The city may reject an application for service when the applicant is delinquent in the payment of any bill incurred for water or sewer service supplied by the city at any location.

(B) A lessee making an initial application for service to his or her leased dwelling shall not be refused service by the city solely because of an outstanding amount owed the city by another customer for service previously furnished to that same address.  
(2011 Code, § 18-106)

<i>Meter Size</i>	<i>Multiplier</i>	<i>Proposed System Development Charge Fee</i>	<i>Phased Implementation - Jan. 1, 2020</i>	<i>Phased Implementation - Jan. 1, 2021</i>	<i>Tapping Fee (Adopted by Resolution 19-78)</i>	<i>Meter Fees (Adopted by Resolution 19-78)</i>
8" Combo	12.80	\$15,907	\$7,199	\$15,907	\$8,700	\$7,124.00
10" Turbo Series	16.00	\$19,883	\$9,900	\$19,883	\$10,700	\$7,500.00
12" Turbo Series	19.20	\$23,860	\$11,900	\$23,860	\$12,700	\$8,200.00
Irrigation System Connection		Same as above based upon meter type and size	Same as above based upon meter type and size	Same as above based upon meter type and size	Same as above plus \$25.00 Backflow Permit	Same as above based upon meter type and size
<p>Note: For any development proposing to use a master meter to serve a private system, the water and sewer system development charges shall be assessed based on the number of units proposed and charged the average investment per equivalent residential unit amount noted in this section.</p>						

(B) These charges shall be in addition to any and all other fees and charges imposed by other ordinances or resolutions of the city. (2011 Code, § 18-108) (Ord. 07-29, passed 7- -2007; Ord. 07-48, passed 12- -2007; Ord. 12-20, passed 1-22-2013; Ord. 19-14, passed 5-20-2019; Ord. 19-32, passed 10-21-2019; Ord. 22-07, passed 5-2-2022)

**§ 18-109 SEWER CONNECTION CHARGE.**

(A) The following charges are hereby imposed for each connection made to the sanitary sewer system of the city:

<i>Sewer System Development Charges</i>					
Average Investment/ERU		\$1,692			
<i>Meter Size</i>	<i>Multiplier</i>	<i>Proposed System Development Charge Fee</i>	<i>Phased Implementation - Jan. 1, 2020</i>	<i>Phased Implementation - Jan. 1, 2021</i>	<i>Sewer Connection Fee</i>
5/8"	1.00	\$1,692	\$1,487	\$1,692	4-inch Tap (Residential - Single-Family, Duplex, Townhome) = \$1,100; Multifamily = \$600/dwelling unit; 6-inch Tap (Residential or Commercial) = \$1,300; 8-inch Tap (Residential or Commercial) = \$1,600; 10-inch or larger = To be determined by City Engineer
3/4"	1.20	\$2,030	\$1,487	\$2,030	
1"	1.60	\$2,707	\$1,814	\$2,707	
1.5"	2.40	\$4,060	\$2,720	\$4,060	
2"	3.20	\$5,413	\$3,627	\$5,413	
3"	4.80	\$8,120	\$5,440	\$8,120	
4"	6.40	\$10,827	\$7,254	\$10,827	
6"	9.60	\$16,240	\$10,881	\$16,240	
8"	12.80	\$21,653	\$14,508	\$21,653	
10"	16.00	\$27,067	\$18,135	\$27,067	
12"	19.20	\$32,480	\$21,762	\$32,480	

Notes: (\*) - Connection Charges as reflected in Title 18, Chapter 1, Sections 18-108 and 18-109 of Spring Hill Code of Ordinances; See also Resolution 02-17 (Reserve Fee increase from \$0.28 to \$0.35 times water tap fee)

- For any development proposing to use a master meter to serve a private system, the water and sewer system development charges shall be assessed based on the number of units proposed and charged the average investment per equivalent residential unit amount noted in this section.

(B) The fees imposed hereby shall be collected before the issuance of any permit for connection to the sewer system of the city. These fees shall be in addition to any and all other fees and charges imposed by other ordinances or resolutions of the city.

(C) All material and equipment for construction or maintenance of sanitary sewer lines and connections must meet city specifications and approval. All work must be inspected by an authorized representative of the city.

(D) All funds collected through these connection charges shall be placed in an account to be known as the wastewater rehabilitation and extension account. All funds in said account shall be used solely for

**§ 18-130 CONNECTION REQUIRED.**

(A) Every person who owns unimproved property within the corporate limits of the city shall be required, at the time the property is improved, to connect the improved property to the public water and sewer systems unless service is not available (as defined in subsection (E) below).

(B) Every person who owns property within the city that is improved on the effective date of this chapter, but that is not connected to the city's sewer system shall connect to this system within 30 days after being notified by the city to connect the improved property. The Administrator shall send such notice only if he or she determines, after consulting with the Maury County Health Department, that the property in question is not being served by an adequately functioning ground absorption sewage disposal system.

(C) If both water and sewer service are available to a lot within the city, then a customer on that lot who receives water service must also pay for sewer service, even if the customer chooses not to connect to the sewer system.

(D) If both water and sewer service are available to a lot, then no new connection may be made onto the sewer system unless a connection is also made onto the water system.

(E) For purposes of this chapter, water or sewer service (respectively) is "not available" if the building or structure to be served on the property is located more than 300 feet from an existing public water or sewer line that reasonably could serve such property. In addition, no property owner shall be required to connect to the public water or sewer system if he or she must first purchase an easement in which to install water or sewer lines.

(F) As used in this section, the term **IMPROVED PROPERTY** means property that has been developed for any use that requires a supply of water or the availability of sewage treatment or disposal facilities.

(2011 Code, § 18-130)

**§ 18-131 PERMIT FOR CONNECTION REQUIRED.**

No person may connect or be connected to the water or sewer system of the city until a permit for such a connection has been issued pursuant to § 18-132 of this chapter. After connection in accordance with this chapter, service may be initiated in accordance with procedures set forth in this chapter.

(2011 Code, § 18-131) (Ord. 21-14, passed 11-15-2021)

(C) Water lines intended for addition to the publicly owned water system will be allowed to connect to the system only if installed within the right-of-way of a publicly dedicated and opened street, except that the city may accept an offer of dedication of lines installed within unsubdivided commercial or industrial developments if necessary easements are provided. Sewer lines shall also be installed within public street rights-of-way wherever practicable, but the city may accept sewer lines constructed on private property (where the topography makes this necessary) if adequate permanent easements are provided.

(D) To protect street surfaces, the city may require that whenever extensions of water or sewer lines are made to properties or within new subdivisions, laterals be extended to all properties expected to tap on to such water or sewer lines.

(E) By making application for extension to the city's water or sewer system, the person responsible for the extension agrees to indemnify and holds the city harmless from all loss, cost, damage, liability or expense resulting from injury to any person or property arising out of the extension of such service lines.

(2011 Code, § 18-142)

**§ 18-143 INSPECTION BY CITY OF WORK DONE BY OTHERS.**

(A) All work on the extension of water or sewer lines not performed by city forces (whether inside or outside the city) shall be subject to inspection by the city and no new service line may be covered up until such inspection has occurred. If, in the judgment of the Administrator, there is a demonstrated lack of competent supervision by a contractor, the Administrator may (at his or her option) provide constant inspection by city personnel at the expense of the applicant.

(B) Inspection of a project by the city does not consist of or imply supervision. The person requesting the extension is solely responsible for ensuring that the projects completed according to city specifications (if the work is not done by city forces) and may be required to rearrange or do over any work to bring it into conformity with such specifications and requirements.

(2011 Code, § 18-143)

**§ 18-144 DEDICATION OF WATER AND SEWER LINE EXTENSIONS.**

(A) All water and sewer mains constructed and connected with the facilities of the city pursuant to this chapter shall be conveyed to and become the property of the city upon completion and acceptance by the city. Connection to the system and acceptance by the city shall constitute dedication of water or sewer main extension by the person responsible for the extension. However, connection to the system shall not be permitted unless and until the lines have been constructed and connected in compliance with all applicable state and city regulations and requirements.

**§ 18-146 RELATIONSHIP OF WATER SYSTEM CAPACITY TO APPROVALS FOR ANNEXATION, ZONING, PLANNED DEVELOPMENT, SPECIAL USE, SITE PLAN, SUBDIVISION AND BUILDING REGULATIONS.**

(A) An application for annexation, zoning map amendment, planned development, special use, site plan and/or subdivision, shall as part of the application requirements perform a water system capacity analysis to be completed by the city or its consultant engineer, to confirm sufficient water system capacity is available to serve the domestic, fire protection, and irrigation needs of subject property. The cost for preparing the water system capacity analysis shall be the responsibility of the applicant. The Board of Mayor and Aldermen may adopt by resolution and amend from time to time a fee structure for preparing a water system capacity analysis.

(B) All required permits must be secured and associated fees paid in full by applicant before the commencement of site construction work, the issuance of building permits, or the sale of subdivision lots. Occupancy permits shall not be issued unless all required public infrastructure has been installed including water system improvements or a performance bond or other form of acceptable financial surety is received by the city and authorization for the issuance of occupancy permits is granted by the authority having jurisdiction.

(C) Whenever a change in-use takes place on property that has previously been connected to the city's water system and under the new use a greater demand will be placed on the water system than was placed on this system by the previous user (as determined by City Engineer according to Appendix C of this code of ordinances), then no occupancy permit may be issued for the lot or building until such time as the City Engineer has confirmed the extent of additional capacity required including, but not limited to, an increase in the size of the domestic service line and/or the addition or increase in size of the fire protection or irrigation system service line and payment in full by the applicant of all associated fees for the additional capacity needed.

(D) Applicants for annexation, zoning map amendment, planned development, site plan, subdivision and special use shall pay or cause to be paid in full the following Water Capacity Analysis Fee for the preparation of a Water System Capacity Analysis.

WATER CAPACITY ANALYSIS FEE SCHEDULE	
TYPE OF APPLICATION	WATER CAPACITY ANALYSIS FEE
Annexation	
< 50 acres	\$250
51 - 150 acres	\$500
> 150 acres	\$750

capacity analysis to be completed by the city or its consultant engineer, to confirm sufficient sewer system capacity is available to serve the sanitary sewer needs of subject property. The cost for preparing the sewer system capacity analysis shall be the responsibility of the applicant. The Board of Mayor and Aldermen may adopt by resolution and amend from time to time a fee structure for preparing a water system capacity analysis. However, with respect to any development (or phase thereof), building or lot that is proposed, intended or required to be served by the city’s sanitary sewer system, the remaining requirements of this section shall be applicable.

(B) Applicants for annexation, zoning map amendment, planned development, site plan, subdivision and special use shall pay or cause to be paid in full the following sewer capacity analysis fee for the preparation of a sewer system capacity analysis.

SEWER CAPACITY ANALYSIS FEE SCHEDULE	
TYPE OF APPLICATION	SEWER CAPACITY ANALYSIS FEE
Annexation	
< 50 acres	\$250
51 - 150 acres	\$500
> 150 acres	\$750
Zoning Map Amendment	
Residential	\$250
Non-Residential	\$400
Subdivision - Conceptual or Preliminary Plat	
< 10 acres	\$250
10 - 50 acres	\$500
50-100 acres	\$750
> 100 acres	\$1,000
Planned Development - Conceptual or Preliminary Development Plan	
< 10 acres	\$250
10 - 50 acres	\$500

(1) If the demand of the proposed use exceeds the capacity reserved, the building permit will not be issued until such time as a properly sized connection is determined by the City Engineer and all associated fees paid in full by the applicant; and

(2) If the demand of the proposed use is less than the capacity reserved, a refund for excess capacity may be sought under § 18-149 of this chapter.

(G) Whenever:

(1) A change in use is made with respect to property that has previously been connected to the city's sanitary sewer system;

(2) No building permit is required to accomplish the change in use; and

(3) Under the new use a greater demand will be placed on the sanitary system than was placed on this system by the previous user (as determined by City Engineer according to Appendix C of this code of ordinances), then no occupancy permit may be issued for such use until the applicant has purchased required permits as determined by City Engineer in accordance with §§ 18-105 and 18-109 of this chapter.

(2011 Code, § 18-147) (Ord. 21-14, passed 11-15-2021)

*Editor's note:*

*Appendix C may be found at the end of this municipal code of ordinances.*

#### **§ 18-148 RESERVATION OF PRESENT CAPACITY.**

No person may reserve unutilized existing capacity within the sanitary sewer system by paying to the city an availability fee.

(Ord. 21-14, passed 11-15-2021)

#### **§ 18-149 RESERVATION OF FUTURE SEWER CAPACITY.**

(A) As the city begins to approach exhaustion of the unutilized capacity within its sanitary sewer system, the city shall undertake to expand the capacity of the system. No person may reserve future capacity in the system by paying an availability fee for a specified amount of capacity reserved.

(B) When there is sufficient expanded system capacity that becomes operational, any prior active capacity reservation issued by the City may be permitted to connect to the City sanitary sewer system unless otherwise determined by the City Engineer.

(2011 Code, § 18-149) (Ord. 21-14, passed 11-15-2021)

(B) All fire protection service connections shall be made in accordance with city requirements and specifications and only after the city has reviewed and approved detailed planning for such fire protection service lines and facilities. Final connection to the city system shall not be made until the Administrator has inspected and approved the installed fire protection system.

(C) Private fire protection systems, including standpipes, sprinkler systems and private reservoir systems, shall be constructed and installed only by persons properly licensed to do the work. Lateral extensions and taps shall be made by the city, and fees shall be charged therefor as provided in § 18-109 of this chapter.

(D) Backflow prevention conforming to city specifications shall be installed at such points in the fire protection system's necessary to assure protection of the water supply.  
(2011 Code, § 18-153)

### APPENDIX C: TABLE OF WATER/WASTEWATER LOADS

(A) Projected water use and wastewater loads of developments shall be determined using the following standards as a guide:

Drainage Facility	Flow in GPD	Design Units
Apartment - Two Bedroom	300	per unit
Apartment - Three Bedroom	350	per unit
Mobile Home Parks	300	per mobile home space
Single Family Dwelling	350	per unit
Assembly Hall (No Food Service)	2	per seat
Beauty Shop, Styling Salon	200	per station
Bowling Alleys (no food service)	75	per lane
Car Wash (stand-alone)	2500	per bay
Child Care Center	10	per child and adult
Churches (small)	5	per sanctuary seat
Churches (large with kitchen)	7	per sanctuary seat
Country Clubs	50	per member
Dance Halls (No Food Service)	2	per person
Doctors/Dentists	75 20 10	per doctor per employee per patient
Drive-In Theaters	5	per car space
Factories (no showers)	25	per employee per 8-hour shift
Factories (with showers)	35	per employee -per 8-hour shift
Hospitals (no residents) (with food service)	300	per bed
Hotels	130	per unit
Institutions (residents) (with food service)	100	per person
Laundries (coin-operated)	400	per standard size machine

<i>Tenn. Code Ann. Section</i>	<i>Code Section</i>
55-10-106	15-801
55-10-307	Title 15, Ch. 1
55-10-401	Title 15, Ch. 1
55-10-501	Title 15, Ch. 1
Title 55, Ch. 12	9-403; 15-801
55-12-139	15-101
55-21-108(b)	15-705
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67-1-701	5-201
67-1-702	5-201
67-1-801	5-201
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67-5-2005	5-202
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68-8-108	10-203
68-8-109	10-203
68-102-108	7-307
68-104-101 et seq.	7-701
68-211-903	2-101

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*2011 Code Section*

*2017 Code Section*

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13-32	11-18-2013	4-401
13-30	12-16-2013	10-101—10-109
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14-07	4-21-2014	11-402
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